BOUNDARIES AND DOMINION

Volume 4

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AN ECONOMIC COMMENTARY ON LEVITICUS

Volume 4

GARY NORTH

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Boundaries and Dominion: An Economic Commentary on Leviticus, Volume 4

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APPENDIX A

SACRILEGE AND SANCTIONS

So Joshua sent messengers, and they ran unto the tent; and, behold, it was hid in his tent, and the silver under it. And they took them out of the midst of the tent, and brought them unto Joshua, and unto all the children of Israel, and laid them out before the LORD. *And Joshua, and all Israel with him, took Achan the son of Zerah, and the silver, and the garment, and the wedge of gold, and his sons, and his daughters, and his oxen, and his asses, and his sheep, and his tent, and all that he had: and they brought them unto the valley of Achor. And Joshua said, Why hast thou troubled us? the* LORD *shall trouble thee this day. And all Israel stoned him with stones, and burned them with fire, after they had stoned them with stones. And they raised over him a great heap of stones unto this day. So the* LORD *turned from the fierceness of his anger. Wherefore the name of that place was called, The valley of Achor, unto this day.*

JOSHUA 7:22–26

Achan appropriated forbidden objects in Jericho. These objects had been previously set aside by God for His temple. "But all the silver, and gold, and vessels of brass and iron, are consecrated unto the LORD: they shall come into the treasury of the LORD" (Josh. 6:19). This holy (set-aside) property is what Achan had appropriated. His was therefore an act of sacrilege. Sacrilege is a profane act, but a specific form of profanity: theft from a temple or a holy place.[1] Jericho was to be offered as the firstfruits sacrifice to God on God's fiery altar. The entire city was to be burned. Its confiscated treasures were to be set aside for God's temple.

1. The Greek word for "sacrilege," *hierarsuleo*, means "to rob a temple." Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, trans. William F. Arndt and F. Wilbur Gingrich (Chicago: University of Chicago Press, 1957), p. 374. New Testament examples: "Thou that sayest a man should not commit adultery, dost thou commit adultery? thou that abhorrest idols, dost thou commit sacrilege?" (Rom. 2:22). "For ye have brought hither these men, which are neither **robbers of churches**, nor yet blasphemers of your goddess" (Acts 19:37).

Because of Achan's act of sacrilege, God killed 36 Israelites in the first battle of Ai (Josh. 7:5). They were not responsible for his act of sacrilege, but God nonetheless imposed capital sanctions on them. This event was later used by Joshua in his strategy to take the city of Ai: "For they will come out after us till we have drawn them from the city; for they will say, They flee before us, as at the first: therefore we will flee before them" (Josh. 8:6). Nevertheless, the 36 dead men were dead because of a sin committed by a man in secret, a man who was not a representative civil ruler in Israel. Judicially, why did God kill them? Because of Achan's representative position as a priest (Greek: *hieros*) of God in the national hierarchy (Greek: *hierarch* = high priest).

A. Achan's Priestly Role in a Holy War

In his capacity as a warrior-priest, Achan had committed sacrilege. Jordan wrote: "All of Israel were [*sic*] a nation of priests, and it is the priests who prosecute holy war. God Himself had established a parallel between the war camp and the Tabernacle, both holy places. . . ."[2] As a member of God's holy army, Achan had been ordered to bring burning judgment against Jericho. His was not simply a run-of-the-mill capital crime of a father in his role as father; it was the sin of a man who had personally appropriated forbidden objects that were to be set apart for God, i.e., *holy* objects. His disobedience was a priestly act. The nation burned the remains of Achan and his family. God's direct sanction against false worship by a priest was fire (Lev. 10:2); it was also His punishment for a non-priest who offered incense illegally (Num. 16:35).[3]

1. Sacrilege

The crime of sacrilege in the Old Covenant era carried with it a biblically unique degree of covenantal responsibility. The sanctions imposed by God and by the state against this crime seem to have extended to all those who were under the criminal's legal jurisdiction. This analysis in turn suggests that Adam's primary crime was also

2. James B. Jordan, *Judges: God's War Against Humanism* (Tyler, Texas: Geneva Ministries, 1985), p. 93.

3. Prostitution was not specified as a capital crime in Israel, except when committed by a priest's daughter. "And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father: she shall be burnt with fire" (Lev. 21:9). This indicates that a connection to the priesthood placed special restrictions on individuals, and violations brought a unique sanction: execution by fire.

sacrilege.[4] He had eaten a prohibited communion meal by appropriating fruit that had been explicitly set aside by God. Sacrilege was the original crime that brought all of humanity under God's negative sanctions. Adam's sons and daughters have received a death sentence because of the sins of their father. This sanction appears to be a unique judicial aspect of sacrilege in Adam's case and Achan's.[5]

The penalty imposed by Joshua and the court was the public execution of Achan, his family, and his entire inheritance. Even the stolen goods had become polluted through sacrilege, and therefore had to be burned with fire, along with the corpses (Josh. 7:25). God instructed the people of Israel to do with Achan what they had been instructed to do with Jericho. Worse; not even the silver and gold were to be salvaged for the tabernacle. The fire would be all-encompassing.

2. Fathers and Sons

There is no doubt that God sanctioned the execution of Achan and his household, for He immediately withdrew His anger and His negative sanctions (v. 26). Yet the targets of this public execution were Achan's family members. The crucial question is: *Did they partake in their father's sin*? If not, was this execution in violation of Deuteronomy 24:16? That text announces: "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers: every man shall be put to death for his own sin." Why were the sons and daughters executed for the sin of the father? The text in Joshua does not say that they knew of the crime, although they may have. It does speak of the burning of his tent. This indicates that the goods had been buried inside his tent. Those inside may have known what was going on. It is not stated specifically that some of the children were too young to know, nor does it state that some were old enough to be in their own tents. The point is, *inside the judicial boundary of Achan's tent, everything had been polluted*. The tent represented the judicial boundary of Achan's authority as a household priest. Everything inside that boundary had become profane as

4. Wrote Sir Henry Spelman in the seventeenth century: "Thus it appeareth that Sacrilege was the first sin, the master-sin, and the common sin at the beginning of the world, committed in earth by man in corruption, committed in paradise by man in perfection, committed in heaven itself by the angels in glory; . . ." Spelman, *The History and Fate of Sacrilege* (1698); Eades edition (London: John Hodges, 1888), p. 1; cited by R. J. Rushdoony, *Law and Society*, vol. 2 of *Institutes of Biblical Law* (Vallecito, California: Ross House, 1982), p. 33.

5. A fiery sword was placed by God at the entrance of the garden to keep out the sacrilegious priest and his heirs (Gen. 3:24). Achan's remains were burned (Josh. 7:25).

a result of his unauthorized and self-conscious trespass of holy objects. Everything inside was fit for destruction.

Surely the animals did not know. Why were even the animals under his administration executed? What had these animals done to deserve stoning? They had done nothing more than the animals had done in Adam's representative Fall, yet they, too, had suffered the consequences, as have their descendants. A cursed form of death entered the animal kingdom as a judgment from God. The subordinates suffered as a result of their master's act of defiance.

Because the text of Joshua 7 is not specific regarding the knowledge of Achan's sons and daughters regarding their father's act of sacrilege, we cannot be sure that they did not know and understand what their father was doing. The fact that the family's animals were stoned does indicate that a comprehensive ban—*hormah*—had been placed by God on his whole household, irrespective of their knowledge or consent. If Deuteronomy 24:16 is accepted as a universally binding standard for Israel's civil government, then we must conclude that they both knew and understood. If they did not know and understand, then we must conclude that Deuteronomy 24:16 did not apply in cases of sacrilege. The text of Joshua 7 does not definitively prove one interpretation over the other, but the execution of the animals does suggest that sacrilege was a unique crime and therefore outside the judicial boundary of Deuteronomy 24:16 regarding innocent sons and guilty fathers.

3. Holy War

The issue at stake was the conquest's judicial character as a uniquely holy war. God had directed the Israelites to destroy all the families inside the boundaries of Canaan. "And when the LORD thy God shall deliver them before thee; thou shalt smite them, and utterly destroy them; thou shalt make no covenant with them, nor shew mercy unto them" (Deut. 7:2; cf. 7:16). They were not allowed to show mercy, except to Rahab and her family, because she had covenanted with Israel before the holy army entered the land. Once the army had crossed over the boundary of the land, no other mercy was to be extended to the inhabitants within that boundary. The normal rules of holy warfare did not apply. Israel was not allowed to offer terms of surrender to any Canaanite city, unlike wars outside the land (Deut. 20:10–11).

By stealing holy objects in Jericho—goods that God had appropriated for Himself—Achan had not only stolen from God; he had also

united himself and his family covenantally with Jericho. By stealing part of God's required first-fruits offering, *Achan became a citizen of Jericho*. He also became profane: the violator of a sacred boundary placed by God around the city of Jericho. He was therefore required to suffer the judgment of every citizen in Jericho: death. *Achan's covenantal citizenship extended down to his children and his property: the animals and the stolen goods*. Just as Rahab had become a citizen of Israel by hiding the spies and placing the red string publicly in her window, so did Achan become a citizen of Jericho by hiding the banned goods. Just as Rahab's family had survived because of her covenant, so did Achan's family perish because of his covenant. Achan and his family became Canaanites, and therefore the entire family came under the covenantal ban: *hormah*.

B. Aaron and His Sons

Aaron built the golden calf and thereby brought sin on the people (Ex. 32). All of the people had initiated his representative priestly sin, so three thousand of them suffered the deadly consequences as representatives of the nation (Ex. 32:28). By serving as executioners against them, the Levites removed from their tribe the curse of Jacob (Gen. 49:7), becoming the priestly, holy, set-aside, first-born tribe (Num. 1: 47–53).

In contrast to their father, Aaron, Nadab and Abihu initiated their own sins. God brought direct sanctions against them: "And Nadab and Abihu, the sons of Aaron, took either of them his censer, and put fire therein, and put incense thereon, and offered strange fire before the LORD, which he commanded them not. And there went out fire from the LORD, and devoured them, and they died before the LORD. Then Moses said unto Aaron, This is it that the LORD spake, saying, I will be sanctified in them that come nigh me, and before all the people I will be glorified. And Aaron held his peace" (Lev. 10:1–3). Then Moses warned their father and their priestly successors not to display any sign of grief, lest the people be subjected to God's wrath. The people *were* to bewail God's sanctions against the two priests.

> And Moses called Mishael and Elzaphan, the sons of Uzziel the uncle of Aaron, and said unto them, Come near, carry your brethren from before the sanctuary out of the camp. So they went near, and carried them in their coats out of the camp; as Moses had said. And Moses said unto Aaron, and unto Eleazar and unto Ithamar, his sons, Uncover not your heads, neither rend your clothes; lest ye die, and lest wrath come upon all the people:

> but let your brethren, the whole house of Israel, bewail the burning which the LORD hath kindled. And ye shall not go out from the door of the tabernacle of the congregation, lest ye die: for the anointing oil of the LORD is upon you. And they did according to the word of Moses (Lev. 10:4–7).

C. David's Numbering of Israel

Another example of a near-sacrilegious[6] crime in which there was a representative legal relationship was David's numbering of Israel. This census-taking was allowed by God only when the nation was being set aside for holy war to bring God's capital sanction against His enemies (Num. 1:3). Thus, David could act legally only in his capacity as *senior military priest*. He misused his civil authority as king to number the people, despite Joab's strong warning (II Sam. 24:3).

The people were at fault for numerous crimes, but not David's particular crime, which was only possible for Israel's senior military leader to commit: high military priest of the holy army. But because there was no imminent holy war, David's act was an act of theft: treating God's holy army as if it were the king's army. David's priestly act of sacrilege would bring all those under his jurisdiction under the threat of God's wrath. The text says that God wanted to punish Israel, and David was God's means to that end. "And again the anger of the LORD was kindled against Israel, and he moved David against them to say, Go, number Israel and Judah" (II Sam. 24:1).[7] The use of the metaphorical verb *kindled* points to His holy ban against them. It was nevertheless David's personal sin that he numbered them, for he was not preparing for holy war.

He soon recognized that he had sinned. "And David's heart smote him after that he had numbered the people. And David said unto the LORD, I have sinned greatly in that I have done: and now, I beseech thee, O LORD, take away the iniquity of thy servant; for I have done

6. "Near-sacrilegious" may be too weak a designation. The event has the marks of sacrilege, if I am correct in my thesis that numbering the people was a priestly act.

7. The intermediary agent between God and David was Satan: "And Satan stood up against Israel, and provoked David to number Israel" (I Chron. 21:1). Satan bore responsibility for this action, as did David, but the Bible clearly says that God moved David to do it. Those who seek to assert a philosophical contradiction between God's will and David's actions need to listen to Paul's warning against such a misuse of moral philosophy: "Thou wilt say then unto me, Why doth he yet find fault? For who hath resisted his will? Nay but, O man, who art thou that repliest against God? Shall the thing formed say to him that formed it, Why hast thou made me thus? Hath not the potter power over the clay, of the same lump to make one vessel unto honour, and another unto dishonour?" (Rom. 9:19–21).

very foolishly" (II Sam. 24:10). He asked God for forgiveness, and God offered him the choice of one negative sanction among three. David told God that He should decide. That was what God had been waiting for and aiming toward: "So the LORD sent a pestilence upon Israel from the morning even to the time appointed: and there died of the people from Dan even to Beersheba seventy thousand men" (II Sam. 24:15). Only men died in this plague. Clearly, it was a judicial plague, not biological—analogous to the death of all the firstborn of Egypt, who also were not contagious. Public health measures would not have reduced the death rate.

The Bible does not say that all 70,000 men deserved the negative sanction of death. Some surely did; some probably didn't. Men live in societies, and as members of covenant-bound collectives, they become subject both to God's negative sanctions and His positive sanctions. Jeremiah and Ezekiel went out in the Babylonian captivity, yet both men had remained faithful to God. *Individuals cannot always escape the negative sanctions associated with corporate responsibility simply by their own righteous behavior*. Good men can suffer in unrighteous societies, while bad men can prosper in righteous societies (Ps. 72). In any case, they did not deserve death for the crime of sacrilege; if anyone did, David did, yet he was not punished directly. He was punished representatively: through the decimation of his army. His kingdom was reduced by 70,000 men. Like the stolen goods in Achan's tent that could never be used in the temple, so were these 70,000 potential holy warriors. David had sought confirmation of his power as king through the census. God reduced the nation's power by 70,000 potential holy warriors. They became sacrilegious. They suffered the consequences.

D. Jeroboam and the Priesthood

Consider Jeroboam's revolt against Rehoboam. The revolt itself was not illegal. The subsequent problem for the Northern Kingdom was that Jeroboam committed sacrilege after the secession, and the people consented. He appointed new priests to administer the sacrifices. He appointed the dregs of society to these offices. "After this thing Jeroboam returned not from his evil way, but made again of the lowest of the people priests of the high places: whosoever would, he consecrated him, and he became one of the priests of the high places. And this thing became sin unto the house of Jeroboam, even to cut it off, and to destroy it from off the face of the earth" (I Kings 13:33–34).

Once again, we see that sacrilege leads to the disinheritance of the offender's sons, even though they had not committed the original crime. Why was his decision an act of sacrilege? What had Jeroboam stolen from the temple? Jeroboam had stolen the actual rites of the temple; he had stolen God's lawful worship. He had violated the monopoly of worship that God had established for the entire nation, not just the Southern Kingdom.

He had also stolen God's holy army of priests. Jeroboam removed God's holy army from the highways of the nation. No longer would the holy army of Israel march three times a year to Jerusalem. The people implicitly consented to Jeroboam's sacrilegious decision: they could have walked to Jerusalem to offer their sacrifices, but most chose not to. They preferred Jeroboam's local golden calves (II Kings 10:29). What the people saved in travel expenses and trouble, however, they more than lost when God brought negative sanctions against them. Meanwhile, the lawful priesthood departed from Israel:

> And the priests and the Levites that were in all Israel resorted to him out of all their coasts. For the Levites left their suburbs and their possession, and came to Judah and Jerusalem: for Jeroboam and his sons had cast them off from executing the priest's office unto the LORD: And he ordained him priests for the high places, and for the devils, and for the calves which he had made. And after them out of all the tribes of Israel such as set their hearts to seek the LORD God of Israel came to Jerusalem, to sacrifice unto the LORD God of their fathers. So they strengthened the kingdom of Judah, and made Rehoboam the son of Solomon strong, three years: for three years they walked in the way of David and Solomon (II Chron. 11:13–17).

Jeroboam brought negative sanctions against the lawful priests; God therefore brought negative sanctions against the Northern Kingdom. The northern tribes of Israel accepted the representation of politically appointed, profane priests, who in turn committed sacrilege daily. The Northern Kingdom of Israel did not recover from these priestly acts of sacrilege. It was burdened by kings who were far more corrupt and tyrannical than Judah's kings, and it went into captivity under a vicious nation, Assyria, over a century before Judah fell to the more tolerant Babylonians. Israel's land was inhabited from then on by the Samaritans: foreigners who were brought into the land by the Assyrians to replace the captive Hebrews.

> For the children of Israel walked in all the sins of Jeroboam which he did; they departed not from them; Until the LORD removed Israel out of

> his sight, as he had said by all his servants the prophets. So was Israel carried away out of their own land to Assyria unto this day. And the king of Assyria brought men from Babylon, and from Cuthah, and from Ava, and from Hamath, and from Sepharvaim, and placed them in the cities of Samaria instead of the children of Israel: and they possessed Samaria, and dwelt in the cities thereof (II Kings 17:22–24).

The people were at risk in the rebellion of their king, for the king placed them under the rule of a new priesthood. By consenting to the decision of Jeroboam, the people became sacrilegious. It was their continuing consent to sacrilege rather than Jeroboam's initial act of sacrilege that eventually brought God's permanent sanction of captivity upon the Northern Kingdom.

E. New Testament Biblical Theology: The High Priest

The primary sin in history is sacrilege. The penalty for sacrilege is fire; so is the final negative sanction (Rev. 20:14–15). The representative nature of sacrilege is the primary message of the gospel: from the first Adam to the second Adam, the curse of death was revealed in all men. The resurrection of Jesus Christ, the second Adam, revealed that He has representatively atoned for that original sin, which had brought all of mankind under the curse. Paul wrote: "Therefore as by the offence of one judgment came upon all men to condemnation; even so by the righteousness of one the free gift came upon all men unto justification of life. For as by one man's disobedience many were made sinners, so by the obedience of one shall many be made righteous" (Rom. 5:18–19).

The New Testament does not speak of the atoning work of Jesus Christ in His capacity as king, but rather in His capacity as high priest. "But Christ being come an high priest of good things to come, by a greater and more perfect tabernacle, not made with hands, that is to say, not of this building; Neither by the blood of goats and calves, but by his own blood he entered in once into the holy place, having obtained eternal redemption for us" (Heb. 9:11–12). It was in His representative office as high priest, not as king, that Jesus Christ established the link between Himself and the covenant people, the saints of God: those people who have come under God's eternal positive sanctions because Jesus Christ came under God the Father's negative sanctions.

F. Sacrilege in English History

Until the advent of the modern worldview, it was a common belief among Christians that sacrilege is always visited by God's negative sanctions. An old English proverb appeared in several versions: "Evil-gotten goods lightly come and lightly go." "Ill-gotten goods will not last three crops." "Ill-gotten goods would not last to the third heir."[8] It is therefore appropriate to refer at this point to the work of Sir Henry Spelman.

Spelman wrote a popular book against laymen who impropriated tithes, which are owed exclusively to the institutional church: *De non temerandis ecclessis* (1613). It went through four editions. It emphasized divine judgments against the sacrilegious. In 1632, he began a study of the families that bought or inherited the church and monastic properties that had been confiscated by Henry VIII in 1546. He limited his research to ex-monastic estates within a 12-mile radius of Rougham in Norfolk.[9] This study was published posthumously in 1698: *The History and Fate of Sacrilege*. Webb and Neale in the mid-nineteenth century carried forward this suggestive research. They found that of 630 families that inherited these lands, only 14 families still survived, and that 600 had clearly come under special judgment. They asserted that there was a statistically significant factor in the disasters that befell the 600.[10] A similar though shorter study was written by Sir Simon Degge in 1699.[11] Thomas remarked that "Degge's conclusions were, like Spelman's, regarded as too dangerous to be published at the time, and only appeared in print in 1717."[12]

Nevertheless, throughout the seventeenth century, similar warnings had been offered by Catholic controversialists and many leading Anglican scholars, including John Whitgift, Francis Godwin, Lancelot Andrewes, Jeremy Taylor, Joseph Mede, Isaac Basire, and Robert South.[13] There were also political leaders who warned their children

8. Keith Thomas, *Religion and the Decline of Magic* (New York: Charles Scribner's Sons, 1971), p. 97.

9. *Ibid.*, p. 99.

10. Rushdoony, *Law and Society*, ch. 7. Rushdoony's strong endorsement of Spelman's thesis on sacrilege and its sanctions is curious, given Rushdoony's firm commitment to the view that tithes do not belong to the institutional church, and that the layman can lawfully give it to any kind of Christian charity. Rushdoony, "To Whom Do We Tithe," in Rushdoony and Edward A. Powell, *Tithing and Dominion* (Vallecito, California: Ross House, 1979), ch. 7. See Appendix B: "Rushdoony on the Tithe: A Critique."

11. Degge, *Observations upon the possessors of monastery-lands in Staffordshire*.

12. Thomas, *Religion*, p. 99.

13. *Ibid.*, p. 100.

against purchasing church lands: William Cecil (Lord Burleigh), Edward Hyde (Lord Chatham), and Thomas Wentworth (Earl of Strafford).[14] Others, including John Milton, denied any such a punishment for those who bought and sold "monkish lands."

Two families that had profited from the confiscations and which still survived in Spelman's day were the families of Oliver Cromwell, Puritan England's Lord Protector, and his contemporary John Winthrop, the first governor of the Puritans' Massachusetts Bay Colony. Ironically, Winthrop's ancestor, who had purchased from King Henry in 1544 the land of the monastery at Bury St. Edmunds, was named *Adam* Winthrop—appropriate, if his crime was indeed sacrilege.[15]

Richard Williams, Oliver Cromwell's ancestor, took the name Cromwell from his uncle, Thomas Cromwell, "hammer of the monks" and the architect of the English Reformation. Richard had acted as Cromwell's agent in the suppression of the monasteries, and his reward was great: three abbeys, two priories, and the nunnery of Hinchinbrooke, which alone was worth some £2,500 per year, an immense fortune. The fortunes on both sides of young Oliver's family had been founded on the spoliation of the church.[16] But the extravagances of Sir Oliver Cromwell, young Oliver's uncle, who lived for almost a century, led to the dissolution of much of the main family's fortune, and Hinchinbrooke was sold in 1627, the year before young Oliver's first election to Parliament.[17] In any case, Oliver's side of the family had not owned Hinchinbrooke, but it did own smaller, less productive former church lands.

Doctoral dissertations are seldom useful to anyone, let alone useful to the kingdom of God, but a series of detailed dissertations on the fate of the families that bought these monastic lands, compared to the fate of families that did not, would be eminently useful. It would be a very difficult task, however, given the carnage and disruptions of the Puritan Revolution, 1642–59, and its aftermath in 1660, the restoration of Charles II.

14. *Ibid*., p. 101.

15. Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston: Little, Brown, 1958), p. 1.

16. Christopher Hill, *God's Englishman: Oliver Cromwell and the English Revolution* (New York: Harper Torchbooks, [1970] 1972), p. 37.

17. Antonia Fraser, *Cromwell: The Lord Protector* (New York: Knopf, 1974), p. 13.

Conclusion

We have considered the crime of sacrilege at some length. There is no question that it invoked God's direct sanctions, which immediately extended to those under the authority of the priestly transgressor: from Adam to his heirs, from Achan to his heirs, and from David to 70,000 Israelites. Achan's case indicates that the civil magistrate was required to impose capital sanctions on the transgressor's whole household, including animals. That there were Old Covenant corporate sanctions applied by God in history in response to a representative agent's sin is an inescapable conclusion, at least in the case of sacrilege.

If *unintentional* sins by the priests brought the assembly under God's negative sanctions,[18] then how much greater was the corporate threat of sacrilege? Sacrilege is far worse. This leads us to a political conclusion that breaks definitively with the Enlightenment: if God ever provides the historical circumstances in which His saints become the founders of a new civil society or the inheritors of an old one, they must maintain the sanctioning authority which God has publicly entrusted to them. They must guard against acts of sacrilege in both the ordained priesthood and the public at large. Sacrilege is not merely sin in general or an improper profession of faith; it is a specific kind of sin: *stealing God's property*. Those who believe that God will sit back indefinitely while the modern state or modern witches commit atrocities against the property of the church of Jesus Christ do not understand Leviticus 4: God's judgment will come in history.[19] The state is still required by God to defend the church against sacrilege. The state is not neutral.

As in the Old Covenant era, the moral integrity of the people, not their rulers, is judicially primary. The priests and civil rulers will eventually reflect the moral condition of the people, for priests and civil rulers are the people's ordained representatives. Those citizens who remain covenantally faithful to God by obeying His law through His grace (Eph. 2:8–10) will find that their enemies are eventually brought under God's negative sanctions. The covenant-breaker, if he is consistent, is eventually driven to commit sacrilege. At the ban-

18. Chapter 4.

19. The Soviet Union persecuted the church. Robert Conquest (ed.), *Religion in the U.S.S.R.* (New York: Praeger, 1968); Gerhard Simon, *Church, State and Opposition in the U.S.S.R.* (London: C. Hurst, [1970] 1974). In 1991, the Soviet Union collapsed in a blood-free act of political suicide.

quets of covenant-breakers, the holy treasures of the temple will be used as common plates: profanity. When this happens, the handwriting is on the wall for the rulers and the social order they represent. They will be replaced (Dan. 5).[20]

Because the function of civil government is to apply negative temporal sanctions against convicted transgressors in order to protect the entire society from God's negative temporal sanctions, the sacrilege laws are still in force in the New Covenant era. This means that the death penalty must still be imposed on people who commit sacrilege. On the other hand, the *hormah* of the Mosaic Covenant—a priestly act of total destruction within the boundaries of geographical Israel—was required by God only during the original conquest of Canaan. It did not apply after Israel's return from the exile, when strangers living in the land were to be protected by the jubilee land laws (Ezek. 47:21–23).

Sons and daughters can escape the fate of their father by declaring themselves no longer his sons. The New Testament emphasizes God's gracious adoption as more powerful in history than Adam's sacrilege and subsequent disinheritance. The sins of the sacrilegious parent do not extend to the children in the New Covenant era if the children break publicly with their father when they learn of his sacrilege. Furthermore, there is no evidence that this was not also the case in the Old Covenant. But what of a child too young to have understood what his father had done, or one who did not discover the crime until after his father's conviction? To escape execution, he would have to have been adopted by another family. All those who remained within the family of the sacrilegious agent had to suffer the same penalty. This is still the way of escape for the sons of Adam: adoption by a family whose head is untainted by the crime of sacrilege. There is only one such family: the family of God, redeemed by the Second Adam, Jesus Christ.

20. In the twentieth century—perhaps throughout modern times—the events in the Soviet Union of August 19–21, 1991, best illustrate this principle of replacement. The astoundingly inept attempted *coup* by the old guard Soviet leaders failed in a nearly bloodless series of events. The experiment in atheism, 1917–1991, had failed.

APPENDIX B

RUSHDOONY ON THE TITHE: A CRITIQUE

> *And, behold, I have given the children of Levi all the tenth in Israel for an inheritance, for their service which they serve, even the service of the tabernacle of the congregation. Neither must the children of Israel henceforth come nigh the tabernacle of the congregation, lest they bear sin, and die.*
>
> NUMBERS 18:21–22

The text is clear: the Levites as a tribe were entitled to the entire tithe on the income of rural land. That is, they had a legal claim on it: "all the tenth in Israel for an inheritance." This inheritance was as secure legally in God's eyes as the landed inheritance of the other tribes. Of course, it was far less secure operationally; the men of Israel did not always pay their tithes. Those who refused to pay their tithes to the Levites were guilty of robbing God. As surely as it was theft to steal title to another man's land, so was it theft to withhold any part of the tithe from the Levites. The first form of theft was active; the second form was passive; but both were theft. "Will a man rob God? Yet ye have robbed me. But ye say, Wherein have we robbed thee? In tithes and offerings. Ye are cursed with a curse: for ye have robbed me, even this whole nation" (Mal. 3:8–9).

The context is equally clear regarding the legal basis of this entitlement: the Levites' service as guardians of the tabernacle/temple's sacramental boundary. They were required to stand at this sacramental boundary and restrain (probably execute) anyone who trespassed it (Num. 18:1–22).[1] The Levites' entitlement and the Levites' task as

1. On the debate within modern Jewish scholarship on the Levites as executioners—Jacob Milgrom vs. Menahem Haran—see James B. Jordan, "The Death Penalty in the Mosaic Law," *Biblical Horizons Occasional Paper No. 3* (Jan. 1989), Pt. 3. Milgrom argued that the Levites were armed guards; Haran denies this. Jordan agrees with Milgrom.

boundary executioners were explicitly linked by the Mosaic law.[2]

There can be no doubt: the Levites were entitled to the whole tithe. I ask again: On what legal basis? The text answers: their service in the temple. But which form of service: sacramental or social? I answer: sacramental. Rushdoony's answer: social. On this seemingly minor issue, the Christian Reconstruction movement divided in 1981. It will remain divided until one side or the other gives up its view of the judicial basis of the tithe, or until one of them disappears. Contrary to those people who blame all institutional divisions on personality conflicts—even God vs. Satan, I suppose—the dividing issue here is ecclesiology: the doctrine of the church, and has been since 1981.[3]

A. Church and Tithe

I have presented my view of the tithe in my book, *The Covenantal Tithe*.[4] I have defended it in another book, *Perspectives on Tithing: Four Views*.[5]

The theology of the tithe is not a minor issue; it is central to biblical ecclesiology. It is also important for a proper understanding of the covenant—specifically, the church covenant.[6] The tithe is an aspect of judicial authority in the church, i.e., point two of the biblical covenant model, hierarchy-representation, which Sutton argued in chapter 2 of *That You May Prosper*. This representation is both substitutionary ("Who or what in history dies in my place?") and judicial ("Who in history declares me judicially acceptable before God?").

The proper performance of this representative ecclesiastical office does mandate certain social services—charity, for example—but the covenantal-judicial basis of the eldership is not social; it is sacramental (point four of the biblical covenant: oath-sanctions).[7] A man is not a minister of the gospel just because he calls himself one or because

2. Gary North, *Sanctions and Dominion: An Economic Commentary on Numbers*, 2nd ed. (Dallas, Georgia: Point Five Press, [1997] 2012), ch. 10.

3. For a detailed study of the sacramental basis of the tithe, plus additional information on the background of Rushdoony's theology of the tithe, see Gary North, *Tithing and the Church* (Tyler, Texas: Institute for Christian Economics, 1994).

4. Gary North, *The Covenantal Tithe* (Powder Springs, Georgia: American Vision, 2011).

5. Gary North, "The Covenantal Tithe," in David A. Croteau (ed.), *Perspectives on Tithing: Four Views* (Nashville, Tennessee: B&H Academic, 2011).

6. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), chaps. 10, 11.

7. Similarly, the office of civil magistrate, called "minister" by Paul in Romans 13:4, is also based on point four: sanctions, in this case, negative sanctions. He punishes evildoers (v. 4).

he is charitable. He is a minister only because he has been ordained by a lawful church. Ordained ministers guard the sacraments against profane acts: boundary violations. That is, they control lawful access to the sacraments. They include some people and exclude others. The following four aspects of a church are judicially linked: the formal ordination of ministers by other ministers (i.e., no self-ordination or ordination exclusively by laymen), hierarchical authority (an appeals court system), ministerial control over legal access to the sacraments, and the local institutional church's exclusive authority to collect *and distribute* all of its members' tithes in God's name. To deny any one of these aspects of the church is to call into question all four. So it was under the Mosaic Covenant; so it is under Christ's New Covenant. Rushdoony has implicitly denied the first two points by defending ecclesiastical independency, and he has emphatically denied the other two. He is consistent (or at least he was until 1992).[8] His theological critics had better be sure their theological positions are equally consistent.

B. The Doctrine of the Church in Christian Reconstruction

The major dividing issue within Christian Reconstruction has been the doctrine of the institutional church. Officially, the movement split in 1981[9] over Rushdoony's outrage regarding a minor theological point in an essay I submitted as my monthly column in the *Chalcedon Report*. I had relied on a passage in James Jordan's 1980 master's thesis.[10] Rushdoony had made a very similar observation in the *Institutes*, which he probably had forgotten making.[11] I find it difficult to believe

8. North, *Tithing and the Church*, ch. 10.

9. My last year as editor of *The Journal of Christian Reconstruction* was in 1981.

10. Jordan's master's thesis had been accepted by Westminster Theological Seminary (Philadelphia). The offending passage—on the circumcision of Gershom by Zipporah—appears on pages 85–86. An expansion of this observation was later published by Jordan in his book, *The Law of the Covenant: An Exposition of Exodus 21–23* (Tyler, Texas: Institute for Christian Economics, 1984), Appendix F, "Proleptic Passover." Rushdoony initially demanded that I defend my observation in greater detail, which I did. He then said my defense was insufficient. He then fired me as editor of *The Journal of Christian Reconstruction*. I later published a larger version of this defense: "The Marriage Supper of the Lamb," *Christianity and Civilization*, No. 4 (1985). No other critic has ever written to Jordan to challenge his essay as heretical. I have never received a single letter from anyone other than Rushdoony, pro or con, regarding my essay. The whole incident was officially based on a trifle. In this appendix, I deal with what I regard as the unstated dividing point: Rushdoony's view of the institutional church.

11. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 427–29. On the close connection between Rushdoony's comments and my own, see North, "Marriage Supper," p. 218.

that this blow-up on Rushdoony's part was based merely on a brief section in Jordan's master's thesis. Jordan had sent him a copy of it over a year before the blow-up; he had remained silent about it. I believe that the real offense was our view of the institutional church, which we had begun to promote vigorously through the fledgling Geneva Divinity School. There was an irreconcilable division over the correct answer to this question: *What is the fundamental institution in the long-term process we call Christian reconstruction*? Rushdoony repeatedly answered: "the family," along with its subordinate agency, the Christian school. The "Tyler wing" of the Christian Reconstruction movement answered: "the church." There is no way to reconcile these views.

If this dispute were simply over the percentage of men's income owed to God, it would not be a major dividing issue in our day. There is nothing unique about Christians today who dismiss as "legalism" any suggestion that they owe 10% of their net income to God. But Rushdoony, as the co-founder of Christian Reconstruction, could hardly take this antinomian approach to the question of the tithe. The Bible is clear about the tithe's mandatory percentage: Christians owe 10% of their net income to God.[12] The argument is not over the tithe's percentage; the argument is over which agency (if any) possesses the God-given authority to collect it and then distribute it. The debate within Christian Reconstruction is over this question: *Where is the locus of God's delegated sovereignty over the allocation of tithe*: In the tither or the institutional church? I answer: with the institutional church. Rushdoony answered: with the tither.

1. Church and Tithe

From 1965 until the publication of his two-volume *Systematic Theology* in 1994, Rushdoony sporadically attempted to cobble together his doctrine of the institutional church in order to support his view of the tithe. His view of the tithe was that Christians can lawfully send the tithe anywhere they wish; therefore, the institutional church has no lawful claim to any portion of the tithe, or at least not above the tenth of a tenth that went to the Aaronic priesthood under the Mosaic law. He needed a doctrine of the church in order to defend such a thesis theologically. In this appendix, I examine the connections between his view of the tithe and his view of the institutional church.

12. There is a subordinate question: the third-year tithe and the poor tithe. Were these separate, additional tithes? Rushdoony argues that they were. Rushdoony, *Institutes*, p. 53.

This has not been an easy task. Rushdoony never wrote a book on the doctrine of the church, for reasons that will become clear as you read this appendix. (This refusal to go into print was even more true of his defense of the continuing authority of the Mosaic dietary laws: not so much as one full page of exegesis devoted to the topic, despite its great importance for him personally as a distinguishing mark of his theology.)[13] There is no issue of Chalcedon's *Journal of Christian Reconstruction* devoted to the doctrine of the church. I assure the reader, this was not my decision as the editor of the first fifteen issues, 1974–1981. In Tyler, I participated in a symposium on "the Reconstruction of the Church" in 1985, which my monetary offering above my required tithe financed.[14] Rushdoony forbade me to publish any issue of the journal devoted exclusively to the church. This was the only rule that he ever set forth for my editing.

2. Church and Family

Late in his career, Rushdoony attempted to trace the institutional church back to the family—not just chronologically but covenantally. This theory of ecclesiastical origins is the heart and soul of this, his most important theological error. He wrote: "The father of the church was Abraham, with whom God made a covenant (Gen. 15), and through whom the covenant sign, circumcision, was instituted (Gen. 17). The covenant with Israel in Exodus 20 is a continuation of the same covenant, a covenant of grace and law. The church thus began as a family, and the structure of both the covenant nation and congregation retained this same character."[15] The church began as a family, Rushdoony said; hence, the family in both his theology and his social theory is the central institution: the master covenantal model. Rushdoony's social theory is *familiocentric*. He regarded the institutional church as an extension of the family.[16] In his view, the

13. He never commented on I Corinthians 8: "Howbeit there is not in every man that knowledge: for some with conscience of the idol unto this hour eat it as a thing offered unto an idol; and their conscience being weak is defiled. But meat commendeth us not to God: for neither, if we eat, are we the better; neither, if we eat not, are we the worse" (vv. 7–8).

14. James B. Jordan (ed.), "The Reconstruction of the Church," *Christianity and Civilization*, No. 4 (1985).

15. R. J. Rushdoony, "The Nature of the Church," *Calvinism Today*, I (Oct. 1991), p. 3. This journal was published in England: P. O. Box 1, Whitby, North Yorkshire YO21 1HP.

16. I would call any social theory *emanationist* which traces the origin of church, sate, or family to one of the other institutions. Christian social theory must be Trinitarian, insisting on the covenantal uniqueness of each of the three institutional covenants.

great war for the minds of men is the war between family and state. The Bible teaches otherwise.

Rushdoony failed to recognize that the priesthood did not originate with Abraham. It originated with Melchizedek. Abraham paid his tithe to Melchizedek (Gen. 14:20), and he received bread and wine from him (Gen. 14:18). Christ's high priestly office was grounded in Melchizedek's primary priesthood, not Levi's secondary and judicially subordinate priesthood (Heb. 7:9–10). Here is the fatal flaw in Rushdoony's familiocentric argument: *Melchizedek had no parents* (Heb. 7:3). I take this literally: Melchizedek was therefore a theophany. At the very least, he had no genealogy; his authority was not derived in any way in the family. *Melchizedek is the refutation of Rushdoony's ecclesiology and his familiocentric social theory*.

C. The Biblical Position: Ecclesiocentrism

I disagreed with Rushdoony on the centrality of the family in Christian society. The fundamental institution in history is not the family; it is the church, which extends beyond the final resurrection as the Bride of Christ (Rev. 21). The family does not: there is no marriage in the resurrection (Matt. 22:30). Jesus made it plain: the false ideal of the sovereign family is a far greater threat to Christianity than the false ideal of the sovereign state. Jesus never spoke this harshly regarding the state:

> Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law. And a man's foes shall be they of his own household. He that loveth father or mother more than me is not worthy of me: and he that loveth son or daughter more than me is not worthy of me (Matt. 10:34–37).

The family is temporary, limited to history: no marriage in the resurrection. "For in the resurrection they neither marry, nor are given in marriage, but are as the angels of God in heaven" (Matt. 22:30). The state is temporary, also limited to history: no suppression of evil (Rom. 13:4) in the post-resurrection, sin-free world. But the church is eternal. *The church is therefore the central human institution*. The family and the state are legitimate covenantal institutions in history, but they do not possess the most important authority given by God to any institution: the power to excommunicate. Why is this the most im-

portant sanction? Because it alone is binding in eternity. Breaking the family bond by death or divorce is not binding in eternity; physical death through execution is not binding in eternity. In contrast, lawful excommunication is binding in eternity. Christian social theory must affirm without compromise or qualification that the true sacraments of baptism and the Lord's Supper are more important in history than the democratic state's imitation sacrament of voting or the family's imitation sacrament of sexual bonding.

Rushdoony understood the relationship between church authority and excommunication, so in order to defend his sociology of familism, he denied that the church possesses the authority to excommunicate, as we shall see. *He thereby denied the existence of the keys of the kingdom*—the judicial authority of the institutional church in history (Matt. 16:19). He did this in the name of Christian orthodoxy, as we shall see.

D. The Conservatives' Position: Familiocentrism

Why do social and political conservatives traditionally identify the family as the central institution of society? There are two primary reasons. First, because they reject the liberals' assertion that the central social institution is the state. In this they are correct. Such a view is necessary but not sufficient for accurate social theory. Second, because conservatives adopt natural law theory. We must examine both assumptions: one incomplete and the other incorrect.

1. Anti-Statism

Conservatives regard the family as the only institution with sufficient authority and respect to challenge the state successfully on a long-term basis. One of the strongest statements to this effect was written by G. K. Chesterton. The family, he wrote, "is the only check on the state that is bound to renew itself as eternally as the state, and more naturally than the state."[17] They view the social function of the institutional church as an adjunct to the family, just as liberals see the church as an adjunct to the state. Conservatives rarely view the institutional church as a covenantally separate institution possessing superior authority to both family and state. This is a serious error.

17. Chesterton, "The Story of the Family," in *The Superstition of Divorce* (1920); *The Collected Works of G. K. Chesterton*, vol. 4 (San Francisco: Ignatius Press, 1987), p. 256. His reference to eternity betrays his confused social theology: neither the human family nor the state is eternal; the church is (Rev. 21, 22).

The authority to excommunicate is the greatest judicial authority exercised in history. The lawful negative sanctions of the rod (family) and the sword (state) are minor compared to the sanction of excommunication (Matt. 16:19). But because formal excommunication does not impose bodily pain in history, modern man dismisses the church's authority in both history and eternity. This includes modern conservatism. It also includes most Protestant churches, who refuse to honor each other's excommunications. They thereby deny Jesus' words: "And fear not them which kill the body, but are not able to kill the soul: but rather fear him which is able to destroy both soul and body in hell" (Matt. 10:28). The only agency in history that lawfully announces a person's condemnation to hell—short of repentance before physical death—is the institutional church. This authority is implicitly recognized by the modern Western state. A condemned criminal on his final walk to the place of execution cannot legally be accompanied by his spouse or his political representative; he can be accompanied by a minister.

The battle between patriarchalism and statism in the West has been going at least since the rise of the Greek city-state, an outgrowth of clans and family sacrifices.[18] The problem is, the family always loses this battle as a covenant-breaking society advances over time because the family does not have the power possessed by the state: the monopoly of life-threatening violence. *Step by step, the state replaces the family in the thinking of most members of covenant-breaking society*. The state possesses greater power; in the power religion of humanism, this justifies the expansion of the state.

The family fights a losing defensive battle when it fights alone. Its authority is steadily eroded by the state. For example, the divorce rate rises when the state replaces the family's functions, especially its welfare functions. Therefore, if the familiocentric view of the church were true—the church as an adjunct to the family—the church would inevitably lose alongside of the family. This view of the church is widely held today. Result: those people inside various church hierarchies who seek power have increasingly allied themselves and their churches with the state.[19]

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18. Fustel de Coulanges, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* (Garden City, New York: Doubleday Anchor, [1864] 1955).

19. C. Gregg Singer, *The Unholy Alliance* (New Rochelle, New York: Arlington House, 1975). This book is a detailed history of the Federal Council of Churches and its successor, the National Council of Churches.

2. Natural Law Theory

An implicit natural law theory undergirds conservatism's social analysis: belief in the existence of moral absolutes that are discoverable by universal logical principles. This faith in moral-logical universals undermines the church's judicial authority. The Trinitarian church is not universal in human history; the state and family are. "Religion" and "the sacred" are undeniably universal in history; the church is not. Because the family and the state appear to be the universal institutions, and because the church exists only where Christianity has made inroads, conservatives conclude that the war for liberty can be won only if the family is strengthened against the state. The church is regarded by conservatives as a useful ally in the family's battle against the state. The church serves as social cement; this is preferred to political cement. Whenever the church claims more than this subordinate role for itself, American conservatives become leery. This is why the primary authors of the U.S. Constitution—right-wing Enlightenment humanists[20]—were willing to mouth words of praise for "religion," but never for Jesus Christ as the incarnate Second Person of the Trinity, nor for His church.[21] Religion in general is elevated; the church in particular is demoted.

This view of the church implicitly places world history above church history because the institutional church has been narrower in its influence than mankind up to this time. The most widely accepted opinions and logic of "mankind in general"—the covenantal sons of Adam—are assumed by natural law theorists to be the legitimate moral and judicial standards for all societies. This implicit and sometimes explicit humanism of natural law theory is contrary to the Bible's revelation of God's work in history through His covenant people. Covenant-breakers are adjuncts to covenant-keepers in history, just as the

20. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), Part 3.

21. George Washington and Abraham Lincoln spoke of religion and morality as great benefits for society. Neither of them was willing to profess personal faith in the work of Jesus Christ as the sole pathway to eternal life. Religion in their view is instrumental rather than foundational. See Paul F. Boller, *George Washington & Religion* (Dallas: Southern Methodist University Press, 1963). Washington refused to take the Lord's Supper: self-excommunication. Lincoln avoided commenting publicly on his religion except in the 1846 Congressional campaign, when he issued a handbill admitting that he was not a church member, but assured voters that they should not vote for a man who scoffs at religion. "Handbill Replying to Charges of Infidelity," *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, 8 vols. (New Brunswick, New Jersey: Rutgers University Press, 1953), I, p. 382. See also his "National Fast Day Proclamation" (Aug. 12, 1861), where he spoke of "the Supreme Government of God." *Ibid.*, VI, p. 482.

lake of fire (Rev. 20:10) will be an adjunct to the culmination of the New Heaven and New Earth (Rev. 21:1) in eternity. Covenant-keepers rather than covenant-breakers are the focus of history. Israel was central to the ancient world, not the great empires. The exodus is central to human history, not the fall of Troy. The angel of death is central to human history, not the Trojan Horse. The Pentateuch is central to human history, not *The Iliad*, *The Odyssey*, and *The Aeneid*. Moses is central to human history, not Plato and Aristotle. Special grace is central to history, not common grace.[22] Natural law theory, whatever its specific ethical content may be—on this crucial point, natural law theorists disagree—is the outworking of common grace. *Bible-revealed law, not natural law, is central to history*. Looking back from eternity, all men will recognize this. Men are required by God to evaluate history in terms of what He has revealed about eternity, not evaluate eternity in terms of what men assume about history. Humanism denies this. So does natural law theory.

E. Rushdoony's Ecclesiology

Rushdoony subordinated the doctrine of the church to the doctrine of the family. In doing so, he adopted familiocentrism, though not natural law theory. This abandonment of theonomy in favor of traditional conservatism undermined the covenantal foundation of his theology. His view of church and family was an anomaly in his original theology—an error no larger than a man's hand. Like Elijah's cloud, it grew into a mud-producing storm after 1981.

Rushdoony systematically avoided developing a doctrine of the institutional church. He offered one chapter in the *Institutes* (XIV) and one in *Systematic Theology* (XII), but both are incomplete. Neither addresses in detail the judicial issues of the ordination of ministers and public excommunication by ordained church officers. This is especially absent in *Systematic Theology*, completed in 1984 but not published until mid-1994. He had broken not only with the Westminster Confession of Faith (which he officially had to affirm until he resigned from the ministry of the Orthodox Presbyterian Church in 1970) and the 39 Articles of Episcopalianism (which he officially affirmed after 1973), but with all of Trinitarian orthodoxy from the Council of Nicea forward.

Critics of the church's lawful, God-ordained claim on every indi-

22. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 6.

vidual's lifetime commitment again and again seek to elevate "Christianity" and dismiss "the church," as if there could somehow be Christianity without the church and its mandated sacraments. One sign of a person's move away from historic Christianity's doctrine of the church to conservative humanism is his adoption of the pejorative word, *Churchianity*.[23] The person who dismisses "churchianity" is often a defender of his personal ecclesiastical autonomy: a sovereign individual who judges the churches of this world and finds them all sadly lacking. In his own eyes, all the churches fall short of his almost pure and nearly undefiled standards. No church announces God's authoritative word to him; rather, he announces God's authoritative word to the churches. No church officer represents him before God; instead, he represents himself. Like the foolish defense lawyer who hires himself as his own advocate in a court of law, so is the man who is contemptuous of "churchianity." He confidently excommunicates all churches for failing to meet his standards. All congregations have failed to measure up, except (should he deign to begin one) his own. He ignores the obvious: *a self-excommunicated person is no less excommunicated*.

Rushdoony's views on the institutional church became adjuncts to his theory of the tithe. Prior to his assertion in 1991 of the Chalcedon Foundation's status as a church (initially, he called it a chapel)[24] as well as a governmentally chartered educational organization, his views on the tithe were fully consistent with his views regarding the visible church. They constituted a single, consistent, and monumental error. This error, if applied retroactively to the conclusions of Volume 1 of *The Institutes of Biblical Law*, would destroy the covenantal basis of Rushdoony's theology and therefore also his social theory.

The fact is, his three-fold error came late in his career. This shift in theology began shortly before he resigned from the Orthodox Presbyterian Church in 1970, but it was not completed until the early 1980s. In other words, what Volume 1 of *The Institutes* hath given, Volume 2 need not take away. Only small traces of his error are visible in Volume 1; this error can and must be separated from that foundational book. Because of this, I find it necessary to challenge the

23. For a good example, see Rushdoony's editorial, "Copycat Churchianity," *Chalcedon Report* (June 1992).

24. *The Chalcedon Report* (Jan. 1992) published an article by Rushdoony, "The Life of the Church: I Timothy 5:1–2." That essay was introduced as follows: "Note: *The Life of the Church* was a communion sermon at the Chalcedon Chapel evening service, October 27, 1991."

book that he and Edward Powell co-authored, *Tithing and Dominion* (1979).[25] The chapters are identified as to which author wrote which. I refer here only to Rushdoony's chapters. (Rushdoony broke with Powell shortly after he broke with me and Jordan.)

F. Tithing and Dominion

With respect to dominion the Bible teaches, first, that the dominion covenant was established between God and the family. God has assigned to the family the primary dominion task in history (though not in eternity): to be fruitful and multiply (Gen. 1:27–28)—a biological function.[26] Second, as we shall see, the tithe is a mandatory payment from man to God through a covenantal institution: the church. Therefore, if the tithe were the basis of dominion, God's law would mandate a tithe to the family, the agency of dominion. But there is no God-specified mandatory payment to the family, i.e., no legal entitlement. On the contrary, it is the productivity of individuals, families, and other voluntary associations that is the source of both tithes and taxes. This is inevitable: *the source of the funding cannot be entitled to funding*.[27] The individual[28] or family is the source of the funding. The tithe is therefore owed to the institutional church by the individual or the family.

Rushdoony defended the tithe as the foundational basis of biblical dominion. He also described the church as an unproductive organization, as we shall see. Conclusion: *if* the tithe is foundational to dominion, and *if* the church is unproductive, then *it is the tithe rather than the church which is the source of Christianity's cultural productivity*. In terms of such a perspective, the institutional church's importance in the dominion process is secondary to the tithe's importance. This is exactly what Rushdoony began saying publicly after 1973.[29]

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25. Edward A. Powell and Rousas John Rushdoony, *Tithing and Dominion* (Vallecito, California: Ross House, 1979).

26. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, 2012), ch. 4.

27. There are parent-child economic requirements, but these are intra-family relationships.

28. This would include those fictitious legal individuals known as corporations. One way to solve the problem of tithing on retained earnings would be for 10% of the common shares of all new corporations to be assigned to a specific church from the beginning. The church would automatically participate in all dividends and capital gains.

29. When I served as a Board member of the Chalcedon Foundation in 1975, Rushdoony was directing his own tithe into Chalcedon, as he told me. I was a paid staff member at the time. He did not ask me to follow his lead, nor did I volunteer to do so. I have no reason to believe that he subsequently re-directed his tithe to a local church, since he did not belong to a local church.

It is not clear to me whether his doctrine of the church and his doctrine of the tithe originally stemmed from his decision to redirect his own tithe money into the Chalcedon Foundation and to remove himself from the authority of any local church, or whether his shift in theology came first. These events surely paralleled each other chronologically.[30] He did not bother to articulate his views until the late 1970s. By 1991, however, it was clear that his published doctrine of the church was an extension of his published doctrine of the tithe. He constantly wrote about the tithe. Until his 1991 essay in *Calvinism Today*, he steadfastly refused to write clearly about the institutional church.

In June, 1994, his two-volume *Systematic Theology* appeared.[31] The manuscript had been completed in 1984. Chapter 12, "The Doctrine of the Church," was more radical and confrontational against Calvin's doctrine of the church than had been chapter 14, "The Church," in *Institutes of Biblical Law*. But what came later, in the early 1990s, was more radical and confrontational than *Systematic Theology*.

Sometime in the late 1960s, Rushdoony warned me of not dealing early with a heresy in one's career. He used the example of a Calvinist publisher and amateur economist, Frederick Nymeyer, who paid for translations of the works of the Austrian economist, Eugen von Böhm Bawerk. From 1953 to 1960, he published a low-circulation magazine, originally called *Progressive Calvinism*, but later called *First Principles In Morality and Economics*. It was an attempt to present the economics of Böhm-Bawerk as being consistent with Christianity. There was a lot of good material in this magazine, but it was far more Austrian than Christian. Then, in 1967, he wrote and published a book called *No Civil War in the Cave*. Rushdoony regarded it as Pelagian. He told me, "If a man does not deal with a heresy early in his career, it will dominate his thinking as he grows older."

G. Church and Sanctions

In contrast to the family, both state and church are lawfully entitled to economic support from those who are under their respective covenantal authorities. The state's jurisdiction is territorial (e.g., over non-covenanted resident aliens) and judicial (e.g., over its cove-

30. North, *Tithing and the Church*, ch. 10.

31. R. J. Rushdoony, *Systematic Theology*, 2 vols. (Vallecito, California: Ross House, 1994).

nanted citizens who live outside the state's territory[32]). The church's jurisdiction is equally judicial, though not (in Protestant societies) territorial. Both institutions have lawful covenantal claims before God over a small portion of the net productivity of all those who live voluntarily under their jurisdiction. Their God-given authority to impose negative sanctions against those who refuse to pay is the outward mark of their covenantal sovereignty. *To deny the right of either church or state to bring such sanctions is a denial of their God-delegated covenantal sovereignty*.

1. Tithe Revolt

Rushdoony understood this with respect to the state; he therefore opposed the tax revolt or "patriot" movement.[33] But he denied that any payment is automatically owed to the institutional church. No church can lawfully compel its members to pay it their complete tithe or even any portion thereof, he insisted. "It is significant, too, that God's law makes no provision for the enforcement of the tithe *by man*. Neither church nor state have [*sic*] the power to require the tithe of us, nor to tell us where it should be allocated, *i.e.*, whether to Christian Schools or colleges, educational foundations, missions, charities, or anything else. The tithe is to the Lord."[34] He cited Malachi 3:8–12. With respect to the tithe, Rushdoony believed in *the divine right of the individual* with respect to the institutional church: no earthly appeal beyond conscience. This was not an error of logic on his part; it was a consistent application of his ecclesiology.

The existence of a mandatory payment to the church is evidence of a covenantal relationship: *a legal bond established by a self-maledictory oath* [35] which each church member takes either explicitly or represen-

32. United States. citizens living outside the country must pay income taxes on their salaries. As of 2012, the first $91,500 was exempt.

33. R. J. Rushdoony, "The Tax Revolt Against God," Position Paper 94, *Chalcedon Report* (Feb. 1988), pp. 16–17.

34. *Ibid*., p. 16.

35. Sutton, *That You May Prosper*, pp. 83–91. Rushdoony refused to discuss the self-maledictory oath as the judicial basis of all four biblical covenants: personal, church, state, and family. He defined the covenant as God-given law rather than as oath-invoked God-given law. This unique judicial oath formally invokes God's sanctions. Without this formal invocation, there is no redeeming covenant bond possible. There is only the general, Adamic covenant bond: a broken covenant. Rushdoony's definition does not acknowledge this fact. He wrote: "In the Biblical record, covenants are laws given by God to man as an act of grace." Rushdoony, "Covenant vs. Contract," *Chalcedon Report* (June 1993), p. 20. If correct, this definition would make the covenants universal, since biblical laws govern everything in history, as he argued for years.

tatively (by parents). A local church has a lawful claim on a tithe of every member's net increase in income.[36] Unlike the state, which is ruthless in collecting taxes owed, the church rarely enforces its lawful claim. This is not surprising: the modern church rarely enforces anything under its lawful jurisdiction.[37] The state has arrogated power to itself in the face of the churches' defection. In our day, most Christians regard this as normal and even normative. They prefer to think of the church as judicially impotent. They prefer to think of the state's physical sanctions as the greatest possible sanctions. They refuse to regard formal excommunication as threatening them or anyone else with eternal consequences. As with humanists, they prefer to fear men rather than God. They stand in front of the local church and in effect chant the child's challenge: "Sticks and stones can break my bones, but names ['excommunicant'] can never hurt me!"

Neither the state nor the church is a profit-seeking organization. This is why both possess lawful claims on a small part of the net productivity of their members. Therefore, they cannot be primary agencies of dominion in history. They are secondary agencies of dominion. This is why the Great Commission of Matthew 28:18–20 is not strictly an extension of the dominion mandate of Genesis 1:26–28. A small portion of the net fruits of dominion are brought to the institutional church. The church is not the source of these fruits. The institutional church, through its authority to declare someone as an adopted son of God, brings covenant-breakers formally into the eternal household of God, but the institutional church is not itself a family. It possesses greater authority than the family. Thus, the tithe cannot be a primary aspect of dominion. It is a secondary aspect.

But if he were to discuss the sanctions-invoking oath as basis of the five covenants, he would have to discuss oath-breaking in the church and its formal sanctions: the doctrine of excommunication. He would also have to discuss in detail Article VI, Section III of the U.S. Constitution, which prohibits religious test oaths for Federal (national) office. This is why the U.S. Constitution is an atheistic, humanistic document—a fact which Rushdoony refused to accept for over three decades. See North, *Political Polytheism*, Appendix B: "Rushdoony on the Constitution."

36. This obligation does not apply to gifts from husbands to wives and vice versa; nor does it apply to intra-family gifts to minors. Parents who feed their children need not set aside a tithe on the food so consumed. The obligation is covenantal, and the institutional payment of the tithe by the head of the household serves as a representative payment for all of its members.

37. At worst, a pastor who is convicted of adultery is suspended for a year or two. I know of at least one case where an admitted adulterer was asked by his presbytery only to transfer to another presbytery. The members' idea of negative sanctions was limited to "Not with our wives, you don't!" He voluntarily left the ministry. I bought part of his library.

2. Productivity

This is not to say that church and state are not economically productive. They are the source of God's authorized covenantal sanctions: the negative sanctions of the sword (state) and the positive and negative sanctions of the keys of the kingdom (church). Rushdoony's language is seriously misleading when he wrote that "church and state are not productive agencies."[38] This is the language of secular libertarianism, not Christianity. Nevertheless, he made an important point: "The state is a protective agency whose function is to maintain a just *order*, to insure r*estitution* for civil wrongs, and to *protect* the people from external and internal enemies. . . . The church's function is *protection and nurture* by means of its ordained ministry."[39] What is the biblical meaning of "protection"? Civil protection means *the defense of boundaries*—judicial rights against invasion, either by individuals or by the state itself. Protection by the state is achieved by its enforcement of negative sanctions against evil-doers (Rom. 13:1–7).[40] Biblically speaking, the state provides no lawful positive sanctions, e.g., nurture. Protection by the church is also achieved through its imposition of negative sanctions (e.g., I Cor. 5). Nurture by the church is the product of positive sanctions (e.g., II Cor. 8).

Rushdoony mistakenly contrasted these beneficial covenantal functions with what he calls "productivity." His view of productivity is incorrect. These covenantal functions are basic to productivity, but they cannot be financed unless those under their authority remain productive. The income of both church and state must come from the outside: from God through the individual and the corporate entities that are under the respective jurisdictions of church and state.

Rushdoony discussed the non-productivity of the church in a chapter on the Lord's Supper (Holy Communion). He made a catastrophic theological error by denying the sacramental basis of the church. "The problem in history has been the unhappy sacramentalization of church and state."[41] He rightly castigated the idea of a sacramental state, but then wrote: "Similarly, the church sees itself as the sacramental body and preempts Christ's role. Communion is thought of as a church rite rather than Christ's ordinance." This con-

38. Rushdoony, *Law and Society*, Vol. 2 of *Institutes of Biblical Law* (Vallecito, California: Ross House, 1982), p. 129.

39. *Idem*.

40. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 11.

41. Rushdoony, *Law and Society*, p. 128.

trast implicitly assumes that Holy Communion is not a church rite, i.e., not a biblically mandatory ritual: a false theological assumption if there ever was one. He reduced communion to a "feast of charity" or a "love feast."[42] He never acknowledged the sacrament of the Lord's Supper as a *divinely empowered covenant-renewal ceremony of the institutional church*, a ceremony that invokes God's positive and negative sanctions in history and eternity.

The institutional church has only one ultimate means of discipline: excommunication, i.e., excluding a person from the rite of the Lord's Supper. Without the positive sanction aspect of the Lord's Supper, the negative sanction of exclusion is judicially meaningless. Those who hold a *nominalist* view[43] of the Lord's Supper strip the institutional church of its disciplinary authority. Calvin wrote that "it is certainly a highly reprehensible vice for a church not to correct sins. Besides, I say our Lord will punish an entire people for this single fault. And therefore let no church, still not exercising the discipline of the ban, flatter itself by thinking that it is a small or light sin not to use the ban when necessary."[44] He also wrote: "But this is not to say that an individual is justified in withdrawing from the church whenever things are contrary to his will."[45] Calvin was not a defender of the individual's autonomy in relation to the institutional church. He fully understood what the sole basis of a declared Christian's judicial separation from the institutional church has to be: excommunication.

H. The Sacraments

The sacraments are means of bringing God's sanctions in history on His people: blessings and cursings. They are covenant signs. They are oath signs. Rushdoony insisted that the sacraments are family rites, not rites administered under the exclusive jurisdiction of the institutional church. He replaced the sacramental church with the sacramental family.

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42. *Idem*.

43. The nominalist acknowledges no judicial authority beneath the words that define the sacraments. Thus, the sacraments become a mere memorial. This was Zwingli's view of the Lord's Supper. It is also the Baptist view.

44. John Calvin, "Brief Instruction for Arming All the Good Faithful Against the Errors of the Common Sect of the Anabaptists" (1544), in *Treatises Against the Anabaptists and Against the Libertines*, ed. Benjamin Wirt Farley (Grand Rapids, Michigan: Baker, 1982), p. 65.

45. Calvin, *Treatises*, p. 65.

1. Baptism

Rushdoony saw baptism as a covenant sign, which it is. But affirming covenant in general is not sufficient. *A covenant sign must be administered*. Which institution has been granted this monopoly by God: church, state, or family? For almost 2,000 years, the church's answer has been clear: the church. This opinion, Rushdoony said, is a sign of the hardening of the church's arteries. "Baptism is a covenant fact. The church has converted it into an ecclesiastical fact. Circumcision in the Old Testament is a family rite, because the family is the primary covenant institution; the family gives birth to and rears the child."[46] But physical birth is Adamic; Adam's sons need adoption.

Was circumcision a family rite? No; it was an ecclesiastical, priestly rite. The head of a household may have administered this rite as a household priest in a nation of priests (Ex. 19:6).[47] If so, was this done in his judicial office of father or priest? The issue here is covenantal authorization. The question of covenantal authority is easy to decide. Answer this question: *Who possessed the sole authority to annul the rite of circumcision by the excommunication of covenant-breakers*? The answer is obvious: a Levitical priest, not the father. Covenant-breakers were to be cut off from the church and therefore from citizenship by excommunication.

How do we know that the father did not possess this authority? Because *excommunication* mandated family *disinheritance*. But a father had no authority to disinherit his son. "If a man have two wives, one beloved, and another hated, and they have born him children, both the beloved and the hated; and if the firstborn son be hers that was hated: Then it shall be, when he maketh his sons to inherit that which he hath, that he may not make the son of the beloved firstborn before the son of the hated, which is indeed the firstborn: But he shall acknowledge the son of the hated for the firstborn, by giving him a double portion of all that he hath: for he is the beginning of his strength; the right of the firstborn is his" (Deut. 21:15–17). If he could not disinherit the hated wife's son, surely he could not disinherit the loved wife's son. Rushdoony commented on this passage several times in *Institutes of Biblical Law*, but he failed to make the judicial connection linking circumcision, excommunication, and disinheritance. All were exclusively priestly acts.

46. Rushdoony, *Systematic Theology*, p. 732.

47. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), ch. Part 1, *Representation and Dominion*, ch. 20.

As a household priest, the father may have circumcised his sons. We are not told this specifically regarding the Mosaic era. Surely, without specific revelation, we should not draw revolutionary ecclesiastical conclusions from the mere possibility that the father circumcised his son. But if he did, he did so a delegated agent of the Levitical priesthood. He did not retain the authority to excommunicate, i.e., judicially revoke the covenant. This points to the two-fold judicial reality of circumcision. It was priestly in two senses: general and special. First, the father representatively invoked the covenant oath in the name of his son through the rite of circumcision. He had a lawful role as a father: a general Israelite priest (Ex. 19:6). Second, in invoking the covenant oath, he affirmed the law of the covenant. As a general priest, perhaps he could lawfully do this. But a special priest of the tribe of Levi, not the head of the household, would determine whether the circumcised son met the stipulations of the covenant: confession of faith and outward obedience to God's law. This identifies both sacraments as ecclesiastical.

Having defied the entire history of the church by proclaiming baptism as a family rite, Rushdoony then condescendingly announced: "Having said all this, let me add that much of the church's teachings on baptism are [*sic*] very important. The error has been to limit its implications to the society of the church, and membership therein."[48] This was as persuasive as a statement from some dedicated socialist: "Having said all this, let me add that much of the Austrian School economists' teachings on the free market are very important. Their error has been to ground their system on the idea of private property."

2. Lord's Supper

Having announced the transfer of the authority to baptize from the church to the marital family, he immediately moved to a discussion of the Lord's Supper. He began: "As we have seen, baptism is in to [*sic*; he means *into*] the covenant of our God."[49] This was never a matter of dispute. What is a matter of dispute is which covenantal agency possesses the right to baptize. This is a dispute between Rushdoony and (in round numbers) all the theologians in the history of the church. He then moved to the Lord's Supper: "Like baptism, the Lord's Table or communion is rooted in the Old Testament, in the

48. Rushdoony, *Systematic Theology*, p. 734.
49. *Ibid.*, p. 735.

Passover."[50] He appealed to Jesus: "Our Lord's institution of this rite came with the Passover celebration and with His interpretation of the meaning of Passover as fulfilled in Himself."

Let us pursue this assertion for a moment. The move from Passover to the Lord's Supper came in the upper room on the night before Jesus' crucifixion, as Rushdoony affirmed in *Institutes of Biblical Law*.[51] Let me ask an obvious question: Where were the wives and children of the apostles? Peter had a mother-in-law (Matt. 8:14); presumably, he also had a wife. His wife was not in the upper room, nor was his mother-in-law, who dwelt in his household. Unless Rushdoony was ready to affirm the celibacy of the apostles, he faced a monumental problem: *Passover was in no way a family rite in the sense of a marital family*. The Head of a new household of faith administered the rite that night. This household was *confessional*. Something radical had taken place in the exterior form of Passover that night, but not judicially. *Jesus did not violate the Mosaic Passover*.

Unless the Lord's Table was a judicially radical break with Passover—which Rushdoony denied—then this change in outward form points to an inescapable conclusion: *the judicial-covenantal agency of final authority over the Passover was never the marital family*. To the extent that the family administered certain aspects of this rite, it did so, as in the case of baptism, under authority delegated from the priesthood.

The Lord's Supper honors this judicial fact. The special priesthood of the institutional church still possesses authority over the rite; the general priesthood is still subordinate. This was always the case judicially in Mosaic Israel; the Lord's Supper makes this visible. Rushdoony remained silent about the implications of this transformation of outward celebration. Had he ever discussed the change in celebration, he could not readily have come to this conclusion: "As we examine the Lord's Table or eucharist from the perspective of Scripture, we must recognize that it is the Christian Passover. The Passover of Exodus is a family rite; it was oriented to admitting the smallest child able to speak and understand into the joy of salvation and the meaning of salvation (Ex. 12:21–27). It is no less a family celebration in the New Testament; the family is now Christ's family."[52] In the *Institutes*, he called this a family service.[53]

50. *Idem*.
51. Rushdoony, *Institutes*, p. 46.
52. Rushdoony, *Systematic Theology*, p. 736.
53. Rushdoony, *Institutes*, p. 752.

Judicially, this statement is correct, but it proves the opposite. The Lord's Supper is no less a family celebration than Passover was under Mosaic law because, judicially speaking, *Passover never was a rite under the authority of a marital family*. It was always a rite of *God's adopted family*: the institutional church. This is why all the families of Israel had to journey to a central location to celebrate Passover (Deut. 16:6–7). Passover in Israel was never celebrated at home. It was celebrated outside the geographical jurisdiction of a family's tribe because it was celebrated under another tribe's authority. This authority was national because it was Levitical: the tribe of Levi. *It was therefore under the authority of the special priesthood*. The 12 non-priestly tribes could not claim any originating authority over Passover. This means that the general priesthood of Israel, i.e., members of the 12 non-Levitical tribes, could not lawfully administer Passover apart from the presence of the special priesthood: the Levites. Like King Jeroboam (I Kings 12:25–33), Rushdoony ignored this. Jeroboam, however, was not a familist.

We return to the question of excommunication. No one who had been excommunicated could lawfully attend Passover. The physical mark of circumcision was judicially irrelevant; the officially declared judicial status of the excommunicate was the only relevant legal issue. Only the Levitical priesthood had the authority to excommunicate. Furthermore, the father or other household head did not have the authority to invite an excommunicated son or daughter to celebrate the Passover. An excommunicate was considered covenantally dead. (Some Orthodox Jewish sects continue to this day to have public burials of those sons who have converted to a rival religion.)

Rushdoony's view of the local church affected his doctrine of the sacraments. He neglected—and his exposition necessarily denies—the sacramental basis of the local church's authority to collect the tithe. "As against an empty rite, Christian fellowship in Christ's calling, around a table, is closer to the meaning of the sacrament."[54] But if the judicial rite of the Lord's Supper is not backed up (sanctioned by) the promise of eternal sanctions, both positive and negative, then it is truly an empty rite: *judicially* empty—the nominalist-fundamentalist-memorialist view of the sacraments: Anabaptism.[55]

Rushdoony's post-1973 published view of the church is non-covenantal: the church as a fellowship without judicial sanctions rather

54. Rushdoony, *Law and Society*, p. 129.
55. On this question, Zwingli was an Anabaptist.

than an institution possessing the judicial keys of the kingdom. He even insisted that a church has no lawful authority to discipline those members who refuse to attend its worship services: "We are urged not to forsake 'the assembling of ourselves together, as the manner of some is' (Heb. 10:25), but the church is *not* given authority to punish those who do."[56] Then who is? Only God, apparently. There is supposedly no appeal beyond the individual's conscience: the "divine right" of a non-attending church member. Then what judicial authority does the institutional church possess? In Rushdoony's view, none. What meaning does church membership have? Less than membership in a local social club, which at least requires the payment of dues for membership. In Rushdoony's theology, a local flower arrangement society possesses more authority over its members than a local church possesses over its members.

Rushdoony's view of church discipline represents a fundamental break from the history of the church, including the theology of the Protestant reformers and especially Calvin. Rushdoony insisted (without any citations from the Bible) that a Christian has the God-given authority to remove himself indefinitely from a local congregation and cease taking the Lord's Supper, but without ecclesiastical judicial consequences. This necessarily implies that self-excommunication, which is a form of excommunication, is not an actionable offense within the church. This is a denial of Holy Communion, for it is a denial of excommunication.

3. From Calvinism to Autonomy

Calvin was clear about the keys of the kingdom in history. He cited Matthew 16:19: "And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven." He wrote that "the latter applies to the discipline of excommunication which is entrusted to the church. But the church binds him whom it excommunicates—not that it casts him into everlasting ruin and despair, but because it condemns his life and morals, and already warns him of his condemnation unless he should repent. . . . Therefore, that no one may stubbornly despise the judgment of the church, or think it immaterial that he has been condemned by the vote of the believers, the Lord testifies that such judgment by believers is nothing but the proclamation of his own sentence, and that

56. Rushdoony, "The Nature of the Church," *Calvinism Today*, I (Oct. 1991), p. 3.

whatever they have done on earth is ratified in heaven."[57] This is why the sacrament is a monopoly, the church is sacramental, and the tithe is owed to the church. Rushdoony denies all three conclusions.

Rushdoony had ceased being a Calvinist by the late 1970s. He became *a predestinarian Congregationalist without a local congregation* (until he announced his own in 1991), a man who holds a Baptist view of church hierarchy: "Another aspect of jurisdiction is this: every church, small or great, is Christ's congregation, not man's. Its loyalty must be to God in Christ, and to His law-word, *not* to a denomination nor a sister church."[58] Late in his career, Rushdoony began to issue his Baptistic anathemas against all church hierarchies: "There is in this an implicit and sometimes unconscious *heresy*. Heresy is a strong word, but nothing less can describe the problem. This authoritarian attempt to control other churches is revelatory of a lack of faith in the triune God and an unseemly faith in the power of man. It assumes the virtual non-existence of the Holy Spirit."[59] Those who hold a hierarchical view of church government are members of a modern Sanhedrin, he said. "We must separate ourselves from modern Sanhedrins."[60]

This is a strange line of theological reasoning from someone who retained the title of minister of the gospel only through his ordination by a tiny Episcopalian denomination (total number of congregations in the denomination: two, both of them located hundreds of miles away from Rushdoony). During his years of ministry in this officially hierarchical denomination ("sanhedrin"?), he refused to attend any local church. He continued to avoid taking the Lord's Supper. He clearly abandoned Calvin's doctrine of the church. This is why Calvinists who started out with him in the early 1970s (or in my case, the early 1960s) were excluded from his presence. Their view of the church was, in his eyes, anathema, and so were they. He did not tolerate opposition on this point.

I. Defining the Institutional Church

The church possesses the authority to include and exclude people from the sacraments: "binding" and "loosing." The Bible teaches that the tithe is judicially grounded solely in the covenantal authority of

57. John Calvin, *Institutes of the Christian Religion* (1559), IV:xi:2. Edited by Ford Lewis Battles, 2 vols. (Philadelphia: Westminster Press, 1960), II, p. 1214.

58. Rushdoony, "Nature of the Church," p. 3.

59. *Ibid.*, p. 4.

60. *Ibid.*, p. 8.

the church, which in turn is grounded on its unique sacramental monopoly. We see this connection between tithing and sacramentalism in the first biblical example of tithing: Abraham's tithe to Melchizedek, the priest of Salem, who gave Abraham bread and wine (Gen. 14:18). It was not Melchizedek's office as king of Salem that entitled him to Abraham's tithe; it was his priestly status, which authorized him to distribute the positive sanction of Holy Communion: bread and wine.[61] Rushdoony discussed Melchizedek briefly, but only with respect to the authority of the priesthood generally; he does not mention the tithe or Holy Communion.[62]

What is noticeable about Rushdoony's avoidance of any clear definition of the church is that he long refused to define the institutional church as the exclusive source of the sacrament of the Lord's Supper. Instead, he focused on the church in the broadest sense, i.e., the kingdom of God. He wrote in *Law and Society*: *"Second, the church is the City or Kingdom of God*. It is thus more than any church (as we call it) or state can be. The boundaries of God's church include every 'church,' state, school, family, individual, institution, etc. which is under Christ's royal law and rule. But it includes far, far more."[63] Notice that he placed *church* in quotation marks when referring to institutional churches—organizations possessing the authority to excommunicate. He did not do this with the following words: state, school, family, individual, institution. Do these quotation marks indicate an underlying contempt for local institutional churches?

What, then, of the lawful role of the institutional church? Until *Systematic Theology*, he had avoided dealing with two crucial issues: a judicially binding ecclesiastical hierarchy and the uniquely sacramental nature of the church. The covenantal issue is this: *the church as an oath-bound, covenantal, hierarchical institution whose elders possess the power to excommunicate those who rebel against church authority*. Rushdoony carefully avoided a covenantal-judicial definition of the church, substituting a functional definition. "It should be apparent by now that our concern is less with the church as an institution and more with the church as the witness to and the evidence of the life and the work of the triune God in history."[64] In *Law and Society*, he wrote: "Very clearly, the church in Scripture means the Kingdom of God, not

61. North, *Sovereignty and Dominion*, ch. 21.

62. Rushdoony, *Law and Society*, p. 368. He did not mention Melchizedek in Volume 1 of the *Institutes*.

63. *Ibid*., p. 337.

64. Rushdoony, *Systematic Theology*, p. 777.

merely the worshipping institution or building. . . . It includes godly men and their possessions, and the earth they subdue in the name of the Lord."[65] He then launched into a chapter titled, "Church Imperialism." It is a long attack on bishops and church hierarchy, which he insisted are pagan in origin: "ecclesiastical totalitarianism."[66]

J. Familism

In chapter 75, "Kingdom Courts," he returned to his fundamental social theme: familism. He had already equated the church with the kingdom of God. "In the Kingdom of God, the family is in history the basic institution."[67] The unique, central social institution is not the institutional church, he insisted; rather, it is the family. The family possesses an authoritative court, he insisted—indeed, *the* authoritative court in history. In contrast, Rushdoony rarely discussed in *Law and Society* the existence of authoritative church courts except in the context of family courts, which possess superior authority, he said, since the pattern of all government is based on the family. Jethro's hierarchical appeals court in Exodus 18 "utilized an already existing family office, the eldership. The elders are mentioned *before* Jethro speaks, in Exodus 18:12. They were heads of families, clans, and tribes."[68] Notice that Rushdoony adopted the term *elder*, used in the New Testament to designate an ecclesiastical office, to identify what he insisted was a "family office, the eldership." This was a denial of what he had written in the *Institutes*: "The elder, *first*, was what the name indicated, an order man in a position of authority. The elder was comparative, so it could mean a man ruling over his household."[69] What it *could* mean, he said in 1973, it *always* means, he said in 1984. He went on: "Scripture gives us the basic ingredients for success: the godly family, and the system of elders."[70] In his chapter, "The Theology of the Family," he wrote that "the family is a community, the central community. . . . The family is the Kingdom of God in miniature when it is a godly family. . . ."[71] It is God's civilization.

65. *Ibid.*, p. 337.
66. *Ibid.*, p. 341.
67. *Ibid.*, p. 343.
68. Ibid., p. 368.
69. Rushdoony, *Institutes*, p. 740.
70. Rushdoony, *Systematic Theology*, p. 369.
71. *Ibid.*, p. 389.

1. No Evidence Offered

To prove this, he offered no evidence. There is no verse in the New Testament that refers to *elder* as the head of a family. Luke 15:25 refers to an older son. *Presbuteros* usually refers to a church office. Bauer's definitive lexicon offers no example of *presbuteros* as a head of family, either in the New Testament or Greek literature. The word means what it means in English: older.[72] This grammatical assessment is supported by the long entry in Kittel's *Theological Dictionary of the New Testament*.[73] Rushdoony in 1984 rested his argument on an assertion for which there is no grammatical evidence.

He then compounded his error: "Another office, that of *deacon*, is the name for a family servant."[74] Not according to Bauer or Kittel, it isn't. It means simply *servant*. It usually refers in Greek literature to someone who waits on a table, just as its context indicates in Acts 6. The author in Kittel listed six general uses for the term in the New Testament: waiter at a meal, servant of a master, servant of a spiritual power, servant of Christ, servant of God, servant of the church. He offers no example of household servant.[75] It is always dangerous to base an important theological point on an appeal to grammar. It is sometimes legitimate, but risky. When you do this, make sure there is as least some grammatical evidence.

2. Training in the Family

Why should the family be regarded as the "kingdom of God in miniature"? Why not the state? Why not the church? The fact is, there is no "kingdom of God in miniature"—no single institution that uniquely represents God's kingdom. The kingdom of God is the holy realm of God's dominion in history through formal covenanting by His people and their faithfulness in extending this dominion.

Rushdoony insisted on the judicial separation of the New Testament office of elder from the institutional church. "Moreover, there is no reason to restrict Paul's counsel concerning the election of elders (or bishops) to the institution for worship. Paul's *church* is the Kingdom of God, the assembly of the redeemed. His counsel sets forth the requirements for eldership in every realm, church, state, school,

72. Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature*, trans. William F. Arndt and F. Wilbur Gingrich, 4th ed. (Chicago: University of Chicago Press, [1952] 1957), pp. 706–7.

73. Kittel, vol. VI, pp. 651–83.

74. Rushdoony, *Systematic Theology*, p. 683.

75. Kittel, vol. II, pp. 88–89.

etc."[76] With such a broad definition of elder as a ruler in general, the eldership loses its sacramental character. This was Rushdoony's oft-stated goal: *the de-sacramentalization of the institutional church*.

There are two enormous theological risks inherent in such a view of the church: (1) the attempted de-sacramentalization of society, i.e., secular humanism; (2) the attempted sacramentalization of either state or family. The fact is, *sacramentalization is an inescapable concept*. It is always a question of which institution becomes elevated to sacramental status. Unfortunately, Rushdoony did not understand that sacramentalization is an inescapable concept. He sought to de-sacramentalize the institutional church, but he remained silent about any substitute. He did not see the Lord's Supper as an ecclesiastical matter, but rather fundamentally a family matter: "The central sacrament of the Christian faith is a family fact, a common sharing of bread and wine from the Lord's Table."[77]

Which institution becomes the prime candidate for sacramentalization in place of the church? In Rushdoony's theology, there is no possibility of the sacramentalization of the state, but why not the family? Rushdoony moved dangerously close to this conclusion. In between his assertion of the family as the kingdom of God in miniature and his discussion of the office of elder as "first of all a family office,"[78] this disconcerting statement appears: "Our regeneration establishes a union with the Lord. Our every sexual act is an essential step which makes us a member of the other person."[79]

Rushdoony needed to qualify his language covenantally. It is legitimate to describe Christ's love for His church as the love of a husband for his wife, as Paul does in Ephesians 5:23–33, *but not when you begin with a theory of the church as an extension of the family*. Also, not when you personally refuse to take the sacrament of the Lord's Supper, for this refusal raises the issue of a substitute sacrament. Biblically, there is no form of covenant renewal for the family except through membership in the institutional church and participation in the Lord's Supper. But if the uniquely sacramental character of the institutional church is denied, then what is to prevent the substitution of sexual bonding for the Lord's Supper?

There is no court of earthly appeal beyond the family, Rushdoony

76. *Ibid*., pp. 368–69.

77. R. J. Rushdoony, "The Life of the Church: I Timothy 5:1–2," *Chalcedon Report* (Jan. 1992), p. 15.

78. *Law and Society*, p. 389.

79. *Idem*.

said. Here is his defense of patriarchalism—and therefore of *clannism*. "The strength of family government is that the godly family, while having numerous problems and disputes, settles these within its own circle. The family is the institution of strength. To go outside the family is to deny the family and to break it up."[80] This means the *divine right of the family*—no earthly appeal beyond it, either to church or state. Although he never mentioned the word, this is the *divine right of the patriarch*. He presented this novel thesis as an exegesis of I Corinthians 6:1–8, where Paul enjoins members of the Corinthian *church* not to go before pagan civil courts. In short, he argued for the divine right of the individual against the institutional church (the tithe issue), but not against the hierarchical family.

3. The Family as the Central Institution

His *Systematic Theology* makes his familiocentrism explicit. "The family is central to the covenant and therefore to every Christian institution, church, state, school, and all things else."[81] Rushdoony again cited Exodus 18 to prove his contention that the family is the central institution. Exodus 18 established a hierarchical system of appeals courts. The problem for Rushdoony's argument is that *this was civil government*. It did not apply explicitly to Aaron, the priest. It applied to the tribes. Rushdoony insisted that "both the synagogue and the church were ruled by elders; obviously both saw this as God's requirement."[82] With no footnote, he infered from unnamed extra-biblical sources that only elders served as leaders of the synagogue. There is no biblical evidence about the synagogue, presumably a post-exilic institution. But even if this eldership was required, this does not lead to his conclusion, namely, "The office of elder was more than tribal: it originated in the family; the head of the family was its elder. God thus ordained that the family be the nucleus of government."[83] Where does it say in the Bible that only family heads may be civil rulers? Nowhere. Rushdoony did not cite a single biblical law to support his contention. Fact: *Samson was an unmarried civil judge for many years*.

What about the church? Here, there is biblical evidence that a man must be a successful ruler of his own household before being ordained by a church as a minister of the gospel, a point Paul made

80. *Ibid.*, p. 345.
81. Rushdoony, *Systematic Theology*, p. 678. The chapter seems to have been written prior to 1984.
82. *Ibid.*, p. 680.
83. *Idem*.

clear (I Tim. 3:1–11).[84] This no more makes the family the nucleus of all government than a requirement that a man must be able to read in order to vote in a civil election makes literacy the nucleus of all government. The family is a training ground for learning how to govern. There is nothing revolutionary in this observation. The church is to use the family as a surrogate. If a man cannot rule well in his family, Paul said, do not make him a leader in the church. The odds are against his success. That this requirement governs ordination to the pastorate is clear to everyone except seminary professors and churches that ordain unmarried seminary graduates. They have substituted term papers for family rule as the screening criteria. This has been disastrous for the church.

First Timothy 3 does not make the family the nucleus of all government. *Self-government is the nucleus of all government*. This is why there will be a day of final judgment in which each person will be judged by God. God will not ask where your parents are, or your children, or your ministers, or your rulers. God will ask only what you thought of His son, Jesus. The reason why Paul specified the family as the screening institution is that family government makes visible a man's skills of self-government in the context of a nearly universal hierarchy. There are more heads of families than heads of civil government. If the family were the nucleus of all government, somewhere in the Bible there would be a law making marriage a requirement for civil office. Nowhere does such a law appear. *Rushdoony's commitment to patriarchalism was greater than his commitment to biblical law*. Hence, he wrote in 1984: "The biblical form of government requires that men and the families be trained to govern. The basic government is on the family level, and all other forms of government rest thereon."[85]

In *Politics of Guilt and Pity* (1970), he wrote: "The basic government is man's self-government. Other governments of man include the family, the church, the school, his business, and many private associations as well as public opinion."[86] This was the ideal of government that had attracted his early associates. In *Institutes of Biblical Law*, he also began with self-government under God. "Government means, first, self-government, then the family, church, state, school, calling,

84. Gary North, *Hierarchy and Dominion: An Economic Commentary on First Timothy*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 3.

85. Rushdoony, *Systematic Theology*, p. 681.

86. Rushdoony, *Politics of Guilty and Pity* (Vallecito, California: Ross House, [1970] 1995), p. 144.

and private associations as well as much else."[87] But later in the book, and perhaps three years later in terms of when he wrote this passage, he began to modify his earlier position. "The basic government of man is the self-government of Christian man."[88] A hint of a shift in his perspective immediately followed: "The family is an important area of government also, and the basic one. The church is an area of government, and the school still another."[89] Notice: he used the word *basic* for both self-government and family government. This equality could not survive indefinitely. In *Systematic Theology*, he moved the family to first place. *This was a major shift away from his original theology*. He now placed an institution at the center of both his social theory and his theology; before, his social theory had rested on the principle of self-government under God's law. This proposed central institution was not the church. It was the church's oldest rival, the one Jesus had warned against most strongly (Matt. 10:34–37).

K. The Rhetoric of Contempt

Rushdoony in 1991 delivered a lecture, "Reconstructing the Church," at the Third International Conference on Christian Reconstruction, held in England. He briefly summarized the traditional Protestant and Reformed three-fold definition of the church: orthodox preaching, administering the sacraments, and disciplining. He called this definition "reductionism."[90] Its limitation, he said, is that it focuses on the institutional church, not the members and their responsibilities. He then quoted William Booth, founder of the Salvation Army—a worldwide parachurch organization that closely resembles a church but does not offer the sacraments. Rushdoony favorably cited Booth's description of the late-nineteenth-century church in England as a "mummy factory."[91] This was a clever remark made by a "General" whose organization's publicly recognized symbols are neither the cross of Christ nor a communion cup but instead are: (1) a large bass drum beaten by a lady wearing a funny hat; (2) a black cooking pot and a hand-wrung bell jingling for our cash each Christmas. Let me say it early: the church has never been a mummy factory. This truth was learned by the Pharaoh of the exodus, who never became

87. Rushdoony, *Institutes*, p. 240.
88. *Ibid.*, p. 772.
89. *Idem*.
90. R. J. Rushdoony, "Reconstructing the Church," *Calvinism Today*, II (July 1992), p. 24.
91. *Idem*.

a mummy. He drowned instead. Local churches may produce some spiritual mummies in certain eras, but the church is God's bride. Rushdoony's rhetoric here is suicidal.

What is extremely significant is this: in his earlier days, Rushdoony forthrightly affirmed the familiar three-part definition of the church, defending all three points as crucial in the war against humanism. In his 1983 book, *Salvation and Godly Rule*, he included a chapter on "Outlaw Cultures." The essay's internal evidence indicates that it was written in 1972.[92] Rushdoony wrote eloquently and to the point that "the marks of a true church, i.e. a body of worshippers, have been defined for centuries as the faithful preaching of the word of God, the faithful administration of the sacraments, and the application of Biblical discipline. Without these things, we are not talking about the church in any historical or theological sense. Instead, a purely humanistic ideal of a denatured church is given us. Such a church is simply a part of the City of Man and an outlaw institution at war with the City of God."[93]

I agree completely with his excellent summary of the marks of a true church and the humanistic implications of any denial of it. The problem is, 19 years after he wrote it, eight years after he published it, *Rushdoony openly repudiated it, and more than repudiated it: became contemptuous of it, ridiculing it*. The transformation of his theology during the 1980s was extensive—a fact not widely perceived by his followers

92. Whenever Rushdoony included newspaper citations, the date of the latest citation is probably close to the time he wrote the essay. Prior to his move to Vallecito, California, in 1975, he threw out his lifetime collection of newspaper clippings. (What I would have paid for this collection had I known in advance he intended to trash it!) The chapter cited a local Southern California newspaper, *The San Gabriel Tribune*: June 26, 1972. He had many disciples in the San Gabriel Valley in this period. One of the attendees of his evening lectures in Pasadena (in the San Gabriel Valley), held in the late 1960s, probably sent him the newspaper clipping. There is no footnote reference in the book to anything published later than 1973. So, I think it is safe to conclude that the chapter was written no later than the publication date of Volume 1 of *The Institutes*: 1973. That he could write these chapters in the early 1970s, several apparently in late 1972 and early 1973, while he was completing the manuscript of *The Institutes*, indicates his continuing productivity in 1970–73 period.

Compare the tightly written chapters in Volume 1 with those in Volume 2, *Law and Society* (1982), whose newspaper citations cluster noticeably around 1976–77. These post-1973 chapters are shorter, relying heavily on footnote references to Bible commentaries and religious encyclopedias, with few references to scholarly journals and scholarly monographs: a visible contrast with the footnotes in his pre-1974 books. The theological structure and integrating theme of *Law and Society* are difficult to discern, unlike Volume 1. With 160 brief chapters plus appendixes, it could hardly be otherwise.

93. R. J. Rushdoony, *Salvation and Godly Rule* (Vallecito, California: Ross House, 1983), p. 160.

or his critics. He replaced his original commitment to the theology of Calvin and the Protestant reformers with something resembling Anabaptism—and, in some cases, theological liberalism, as we shall see. This transformation centered in his doctrine of the church, but it was not confined to it.

In 1977, Rushdoony adopted sharp rhetoric regarding amillennial though theologically orthodox churches. In a 57-page book titled, *God's Plan for Victory: The Meaning of Postmillennialism*, he referred to the mythical "Orthodox Pharisees Church" (p. 9), whose initials were OPC, the same as the Orthodox Presbyterian Church. Rushdoony had openly begun to burn his ecclesiastical bridges behind him. He never stopped burning them. This is what I call the Roger Williams syndrome: no church meets his standards. He finds himself worshipping in smaller and smaller settings, always led by himself. At the end of his life, it was only family members and employees of Chalcedon who regularly attended his Bible studies—or, as he had called them only after late 1991, church worship services.

Having invoked the phrase "mummy factory" with respect to the modern church, he then rallied to the defense of parachurch ministries, referring to "the common and contemptuous use of the term *parachurch*. . . . People who rail against parachurch activities want to limit Christ's work to what they can control."[94] Well, that all depends. If the particular parachurch ministry deliberately and self-consciously conducts pseudo-worship meetings but without the sacrament of the Lord's Supper during the hours when churches normally conduct worship meetings—the Salvation Army comes to mind, as does Chalcedon's Bible studies (1968–1991)—then the critics have a legitimate complaint. Also, if a parachurch ministry actively solicits tithes that belong solely to the institutional church, then the critics have a legitimate complaint: opposing the theft of the tithe by interlopers. The issue is to be decided by an appeal to God's revealed word, not to rhetoric, i.e., the institutional church as a "mummy factory."

L. A Question of Jurisdiction

What Rushdoony ignored after 1973 should be obvious to anyone with any familiarity with the West's judicial theology and Reformation history. Protestantism's definition of the church as an institution was a means of *identifying the church's lawful jurisdiction*. That is to say,

94. R. J. Rushdoony, "Editorial," *Chalcedon Report* (April 1993), p. 2.

the traditional Protestant definition places *judicial boundaries around the church as an institution*—a major goal of the Protestant Reformation, especially the limiting of the sacraments to baptism and the Lord's Supper. Like the U.S. Constitution's limitation of the national government's jurisdiction, this traditional Protestant definition was designed to place boundaries around what the institutional church could rightfully claim as its area of legitimate covenantal authority. It is no more meaningful to criticize the familiar three-fold definition of the institutional church—i.e., that this definition does not describe what church members should do—than it is to criticize the U.S. Constitution because it does not specify what citizens are supposed to do. The judicial question is this: *What is the institutional church authorized by God to do as His designated monopoly*?

It is therefore misleading—I would call it deliberately, self-consciously subversive—for a theologian of Rushdoony's stature to criticize the traditional Protestant definition of the institutional church on this basis: that the definition does not tell us what church members are supposed to do. Church members can and should do lots of wonderful things; but they can also avoid doing lots of wonderful things and still remain members in good standing—and not be contemptuously dismissed as mummies. The judicial issue is what is crucial here: defining what the institutional church *must* do in order to be a faithful covenantal organization under God. At this absolutely crucial point in his theology, Rushdoony in 1991 abandoned historic Protestantism's judicial theology in favor of a definition of the church based on "fellowship" and "good works"—the traditional view of theological liberalism.

Having misled his readers on this point, Rushdoony then went on to mislead them even more. He said that the church must perform the Great Commission: establish the crown rights of King Jesus, baptize nations, and teach them to obey God's word. Notice: *not one reference to the sacrament of the Lord's Supper*. While Matthew 28:18–20 mentions only baptism, the establishment of the church requires the Lord's Supper. Any theologically accurate discussion of the Great Commission must assume the accuracy of the three defining judicial marks of the institutional church. But if you have just ridiculed the institutional church as a mummy factory, your reader may not notice what you are really doing: *removing respect for the judicial authority of the institutional church as the sole legitimate source of the sacraments*. Was this Rushdoony's goal in 1991? I think it was. Rushdoony in mid-1991 had

not taken the Lord's Supper, except when lecturing at some distant church, for over two decades.[95]

M. The Legal Basis of the Tithe

The judicial foundation of the tithe is not its supposedly primary role as an aspect of dominion; it is rather based on *the church's covenantal role as the monopolistic guardian of the sacraments*, which establishes its possession of the keys of the kingdom. In this sense, the church's authority is the same as the Levites' authority under the Mosaic covenant: guardian of the holy. Its ultimate means of discipline is excommunication: separating former members from the communion table. There is no church authority apart from the sacraments. *Remove respect for the sacraments, and you thereby remove respect for church discipline*. This has been the pattern of modern fundamentalism, and *Rushdoony was in this regard a dedicated fundamentalist*, not a Calvinist. Calvinism is not merely a belief in predestination. Luther believed in predestination *(The Bondage of the Will*), but he was surely not a Calvinist. Luther and Calvin divided over the issue of the Lord's Supper: a sacramental issue. Calvin devoted the longest section of his *Institutes* to a study of the church: Book IV. *Break with Calvin on his doctrine of the church, and you have broken with Calvin*. This is what Rushdoony did. This is a major reason why Rushdoony's theology is rejected without a fair hearing by pastors and theologians within the Calvinist world. They see him for what he was after 1980: an *ecclesiastical independent* who happens to believe in predestination and infant baptism.

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95. You cannot take the Lord's Supper if you do not attend a local church. Rushdoony attended no local church except as a guest lecturer after he ceased preaching for the Anglican Orthodox Church in the mid-1960s. I attended Chalcedon's Sunday meetings from the beginning, though irregularly, 1965–71. I was employed by Chalcedon, 1968–81, and I spoke at its meetings each month, 1973–75, as did Greg Bahnsen. Not once did Rushdoony offer the Lord's Supper at a Chalcedon meeting when I was in attendance during the years that I attended them or spoke at them. David Graves, who tape recorded every Chalcedon weekly meeting from 1972 to 1981, stated in writing that never was the Lord's Supper served at any Sunday Chalcedon meeting. I reprinted Mr. Graves' statement in *Tithing and the Church*, p. 150. I mention this in response to Rushdoony's insistence that there is no evidence for any accusation against his ideas regarding communion, and that those people who say such critical things must "provide evidences of the charges," and if they refuse, they should be denounced "as liars and slanderers, because they cannot produce the evidences." Rushdoony said that he would no longer answer questions about this matter. Rushdoony, "Random Notes," *Chalcedon Report* (Oct. 1993), p. 31. I can hardly blame him for not answering: the truth is embarrassing.

N. Dominion and Subordination

The requirement to exercise dominion is a requirement to seek a profit. On this point, see Jesus' parable of the talents (Matt. 25:14–31),[96] which immediately precedes His description of the final judgment. The tithe is paid out of the net increase of our efforts. In short: *no increase = no tithe*. Individuals and families produce net increases; churches, at best, invest excess funds in profit-seeking, non-church endeavors. The family, not the church, is the primary agency of dominion, and because of this, the family is not granted any economic entitlement by God. The church is entitled to the tithe; non-church agencies are not. Dominion has nothing to do judicially with the God-given authority to collect the tithe. Dominion does have something to do with *paying* the tithe, however: a public acknowledgment of one's institutional subordination to God's church.

Rushdoony wrote of tithing and dominion as judicially linked, and then announced that the church is not a productive institution. This points to his anti-ecclesiastical conclusion: a denial that the institutional church has a legitimate claim on the tithe. But the fundamental topic is not *tithing and dominion*. Rather it is *tithing and subordination*. When we get this clear, and only then, should we begin to consider the next topic, *subordination and dominion*.[97] Only to the degree that Christians are subordinate before God through membership in His institutional church are they fully empowered by God to extend His comprehensive dominion. Subordination (point two of the biblical covenant) precedes dominion (point three). Rushdoony denied this covenantal reality in his writings and his actions after 1974.

Rushdoony defended his view by separating the Levites' sacramental function from their cultural and social functions. He argued that the Levites performed many social services, "providing godly education, music, welfare, and necessary godly assistance to civil authorities."[98] Thus, Rushdoony concluded, it was their provision of these social services that justified their collection of the tithe. They did not possess a legal claim on the tithe, Rushdoony argued. If they failed to provide these cultural services, Israelite church members had an obligation to cut them off financially. They still do, he insisted.

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96. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 47.

97. Gary North, "Dominion Through Subordination," *Biblical Economics Today,* XV (Aug./Sept. 1993).

98. Rushdoony, "The Foundation of Christian Reconstruction," in *Tithing and Dominion*, p. 9.

It is worth noting that this view of church authority is shared by the modern American liberal. The modern liberal's acceptance of the idea of tax exemption is based on his theory of useful social services. The liberal allows the state to grant tax exemption to churches on the same basis that it grants tax exemption to non-profit, governmentchartered charitable foundations such as Chalcedon. The liberal categorically rejects any suggestion that the Trinitarian church is automatically tax-*immune*, based on its separate covenantal status as a God-ordained government—a government that possesses the authority to impose judicial sanctions.[99] Analogously, Rushdoony regarded the church as having no lawful claim to Christians' tithes based on its separate covenantal status as a God-ordained government that possesses the authority to impose judicial sanctions. In his theology, the church has no legal claim on members' money greater than their desire to support it because of the social services it provides them. In short, *Rushdoony's theology of the church's claim on the tithe is the same as the liberal's theology of the church's claim to tax exemption*. They both ask the church the same question: "What have you done for society lately?"

"This tithe belongs to God, not to the church, nor to the producer."[100] This observation is irrelevant for any discussion of the tithe. Of course the tithe belongs to God; everything belongs to God (Ps. 50:10). The question is this: What *institution* possesses the God-given monopolistic authority to collect the tithe from covenant-keepers? That is, which *institution* possesses the God-given authority and responsibility to revoke voting membership for any head of household who refuses to pay a tithe? The biblical answer is obvious: the local church. Rushdoony disagreed with this answer. He wanted to remove from the institutional church any legal claim to the tithe.

He raised the spurious issue of an apostate church in order to destroy the legal claim of all churches: "It cannot be given to an apostate church without being given thereby *against* God, not to Him."[101] This is quite true; it is therefore an argument for a person to leave an apostate church. In fact, the best indicator to a church member that he should transfer his membership to another church is that he can no longer in good conscience pay the tithe to the church that now possesses lawful authority over him. The individual has the God-

99. A former employee of Chalcedon, Rev. Douglas F. Kelly, made the case for the church's tax immunity: "Who Makes Churches Tax Exempt?" in *Christianity and Civilization*, No. 3 (1983).

100. Rushdoony, "Tithing and Christian Reconstruction," *Tithing and Dominion*, p. 3.

101. Idem.

given authority and responsibility to decide which church to join; he does not have the authority to decide not to tithe to this church. But in a world filled with non-tithing Christians, Rushdoony's doctrine of church and tithe finds many supporters.

O. Church and Kingdom

Rushdoony argued that the individual has the God-given authority to decide where his tithe money should go. As a statement of the God-delegated authority of the believer, this is true, but only in a very specific and limited way: his authority to transfer his membership to another congregation. But Rushdoony was not talking about this form of conscience-based authority before God. The decision Rushdoony spoke of is a decision made not on the basis of where the Christian chooses to have his local church membership, but rather on the basis of the Christian's assessment of the broadly defined cultural performance of the church's officers. "The priests and Levites, to whom it [the tithe] was originally given, had charge of religion, education, and various other functions."[102] The tithe, he said, must constitute the financing of every aspect of Christian reconstruction, not just the preaching of the word and the administration of the sacraments: "But the law of the tithe makes clear it is God's money and must go to God's causes, to Christian worship, education, outreach, and reconstruction. . . . And the tithe must bear the whole burden of Christian reconstruction."[103]

This is clearly incorrect. Everything that a person owns is supposed to be devoted to Christian reconstruction: heart, mind, soul, and capital. The tithe is only one-tenth of one's net increase. It is a token of our subordination as a holy priesthood to God as the Cosmic Owner, not the primary fund for reconstruction. He continued: "What we must do is, *first*, to tithe, and, *second*, to allocate our tithe to godly agencies. Godly agencies means far more than the church."[104] The Levites provided education, music, and so forth. "The realm of the godly, of the Christian, is broader than the church. To limit Christ's realm to the church is not Biblical; it is pietism, a surrender of Christ's kingship over the world. The purpose of the tithe must be to establish that kingship."[105]

102. *Idem*.
103. *Ibid*., p. 5.
104. Rushdoony, "The Foundation of Christian Reconstruction," *ibid.*, p. 9.
105. *Idem*.

It is clear why Rushdoony refused to cite the texts in Numbers that established the legal basis of the claim of the Levites to the tithe. These passages explicitly link the tithe to the office of ecclesiastical guardian. It was not the Levites' social services that entitled them to the tithe; it was their boundary service as the tabernacle's and temple's agents of execution: guardians of what was sacramentally holy.[106]

1. A Comprehensive Kingdom

Rushdoony made a valid Protestant point: the kingdom of Christ is larger than the institutional church. As he said, limiting the kingdom to the institutional church is indeed the essence of pietism. But he created great confusion in his own mind and his followers' minds by equating the *tithe* and *charitable giving to the broader kingdom*. This view of the tithe is equally pietistic: it limits the financing of the kingdom. *The kingdom of Christ in history is comprehensive*. It must be extended by every bit of productivity at the disposal of covenant-keepers.[107] When a Christian makes a profit or earns a wage, all of this is to be earmarked for extending the kingdom of Christ, broadly defined: education, entertainment, the arts, leisure, capital formation, etc.

The kingdom of Christ is *not* extended primarily by charitable institutions. The kingdom of Christ is extended through dominion, and this is financed by Christians' net productivity. Rushdoony understood this "net productivity" principle with respect to taxation: the state may not lawfully tax capital, only net income. This is why he long opposed the property tax as anti-Christian.[108] But he did not acknowledge that this same principle also applies to the tithe. Neither tithes nor taxes are the basis of dominion; productivity is. That is, *growth is the basis of dominion*. Where there is no doctrine of progressive dominion in history, there is no doctrine of economic growth.[109] This growth

106. North, *Sanctions and Dominion*, ch. 3.

107. Through common grace, it is extended even by covenant-breakers. North, *Dominion and Common Grace*.

108. He wrote in 1967: "The property tax came in very slowly, and it appeared first in New England, coinciding with the spread of Deism and Unitarianism, as well as atheism. Such anti-Christian men saw the state as man's savior, and as a result they favored placing more and more power in the hands of the state. The South was the last area to accept the property tax, and it was largely forced on the South by post-Civil War era, conservative elements limited it to the county and retained the legal requirement that only owners of real property could vote on the county level." Rushdoony, *Chalcedon Newsletter* #24 (Sept. 1967). Reprinted in Rushdoony, *The Roots of Reconstruction* (Vallecito, California: Ross House, 1991), p. 606.

109. Gary North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988).

of God's kingdom comes primarily through two processes: (1) the confiscation of Satan's assets through God's adoption of Satan's human disciples; (2) the economic growth enjoyed by God's human disciples, which enables them to redeem the world through purchase.[110]

The kingdom of Christ, broadly defined, must be equated with the *total* efforts of covenant-keepers: heart, mind, and soul. What is my conclusion? First, all of the tithe goes to the local church. Second, gifts and offerings can go to other charities. Third, the kingdom of Christ is extended by overall productivity, including economic productivity. Fourth, total economic productivity, not charity, is the primary economic means of extending God's kingdom in history. This is why God promises long-term economic growth to covenant-keeping societies (Deut. 28:1–14).[111] More wealth per capita should come from covenant-keeping men than is used up by them.[112] Covenant-keepers should leave a positive economic legacy to their grandchildren.[113] "A good man leaveth an inheritance to his children's children: and the wealth of the sinner is laid up for the just" (Prov. 13:22).[114]

2. Sovereignty

If you want to find out where sovereignty lies in any social system or social theory, you must do two things: (1) identify the sacraments; (2) follow the money.[115] In Rushdoony's theology, the kingdom of God is based on a *compact* between God and the individual Christian. The institutional church is without covenantal authority in this God-and-man compact. Church officers must take whatever they receive from church members and be thankful to the donors for whatever this is. Rushdoony's ecclesiology allows church officers no legitimate

110. There is a third way: military conquest. But this method of dominion is not primary. It lawful only when it is the result of successful defensive campaigns that produce comprehensive victory in wars launched by God's enemies.

111. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 68.

112. E. Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources, and the Future* (Westchester, Illinois: Crossway, 1990).

113. This is one reason why a Christian should instruct his heirs not to put him on a life-support system once two physicians say that it is unlikely that he will recover. The capital of most estates in the U.S. is used up in the last six months of an aged person's life. It is better to die in bed at home six months early and leave capital behind. Christians must buy back the world, generation by generation. This requires a growing supply of capital.

114. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, 2nd ed. (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 41.

115. North, *Political Polytheism*, p. 553.

institutional sanctions to impose on those members who send all or a portion of their tithe money elsewhere.

The judicial question surrounding the tithe is this: *Who lawfully retains sovereign control over the allocation of the tithe*? Rushdoony's answer: the individual Christian, not the officers of the church. "The Christian who tithes, and sees that his tithe goes to godly causes, is engaged in true social reconstruction. By his tithe money and his activity he makes possible the development of Christian churches, schools, colleges, welfare agencies, and other necessary social functions."[116] (And, he might have added, non-profit educational foundations, but this would have appeared self-serving.) He did not mean that Christians retain ultimate control over the allocation of their tithes by choosing which local congregation to join; rather, they retain immediate allocational authority in their capacity as church members or even as non-church members.

If this were true, then Rushdoony might have asked: What if the Christian can locate no agency that meets his standards of social action? Can the Christian then lawfully tithe to himself in order to fund the doing of his own good deeds? Why not? More to the point, can he set up his own church and tithe to it? As of 1991, Rushdoony apparently believed that this is the case. He claimed that Chalcedon had somehow become a church. (Then what are the members of what was formerly its Board of Trustees: Ruling elders? There was never any restriction against women serving on Chalcedon's Board of Trustees; Rushdoony's wife Dorothy so served when I was a Trustee in the early 1970s. Can women now become elders in his new church? Or have Chalcedon's By-Laws been rewritten to exclude women?)

I have argued that tithe money can and should go to all kinds of charitable services, but it is church officers who are invested with the God-given authority to decide which of these endeavors to support and in what proportion.[117] Rushdoony asserted that it is the tithe-payer's God-given authority to make these decisions. "Since the tithe is 'holy unto the Lord', it is our duty as tithers to judge that church, mission group, or Christian agency which is most clearly 'holy unto the Lord'."[118] Rushdoony did not define the holiness of the recipient orga-

116. Rushdoony, "Foundation of Christian Reconstruction," *Tithing and Dominion*, pp. 8–9.

117. Because churches have refused to do this, they have forfeited enormous influence and authority in modern culture. See Gary North, "Royal Priests, Tin Cups in Hand," *Biblical Economics Today*, XIV (June/July 1992).

118. Rushdoony, "To Whom Do We Tithe?" *Tithing and Dominion*, p. 30.

nizations as *legal holiness*—a formal, judicial, covenantal, setting apart by God through His written revelation—but rather as *social holiness, to be judged by individual tithers*. In Rushdoony's ecclesiology, the church cannot bring judgment against individuals who refuse to transfer to the church 10% of their net income; on the contrary, they bring judgment against the church by withholding these funds and sending them elsewhere, such as to a non-profit, Federally tax-exempt, incorporated educational foundation located in central California.

Here is where the rubber of Rushdoony's anti-ecclesiastical worldview[119] meets the covenantal road. The primary issue here is *authority over money*. In Rushdoony's published theology, lawful authority over the distribution of the tithe lodges in the individual Christian. He who pays the piper calls the tune, and the piper-payer in Rushdoony's theology of the tithe is the individual Christian. Rushdoony's theory of the proper financing of the kingdom of God is therefore individualistic, despite his affirmations to the contrary.

3. High Priest and King of Kings

The New Testament affirms that Jesus Christ is both King of kings and High Priest. His absolute sovereignty is revealed institutionally in history through the existence of biblically compulsory payments to two covenantal institutions: state and church. The state has a lawful claim on a portion—under 10% (I Sam. 8:15, 17)[120]—of the productivity of those under its jurisdiction. Why? Because the civil magistrate is a minister of God (Rom. 13:4).[121] The church has a legal claim on 10% of its members' net income. Why? Because church officers are ministers of God. *In both cases, the officers' ministerial function is what identifies these two institutions as sovereign*. Compulsory taxes go to the kingly institution; members' compulsory tithes go to the priestly institution. Both institutions are covenantal. Both are entitled to a portion of our income. A person can no more legitimately allocate his tithe than he can legitimately allocate his taxes. He does not have the authority to do so; in both cases, he is under the threat of institutional sanctions, meaning he is under the threat of God's sanctions.

It is a major weakness of Rushdoony's social theory that he failed to identify anywhere in his writings the judicial *and economic* distinc-

119. Pre-1992. He did not put into print what he believed regarding the institutional church after 1991.

120. Gary North, *Disobedience and Defeat: An Economic Commentary on the Historical Books* (Dallas, Georgia: Point Five Press, 2012), ch. 14.

121. North, *Cooperation and Dominion*, ch. 11.

tions between Christ as High Priest and Christ as King of kings. The Bible teaches clearly that the tithe is mandatory. It goes to the church, *and only to the church*. Why? Because Jesus Christ is the high priest after the order of Melchizedek (Heb. 7). *In Rushdoony's social theory, Christ's office as High Priest has no institutional sanctions*.

In one limited sense, he is correct. The church technically cannot excommunicate people who, like Rushdoony, refuses to join a local congregation or take the Lord's Supper. But the church does not need to bring formal sanctions against those who are self-excommunicated.[122] *Self-excommunication is excommunication*. It is sufficient that the church publicly identify self-excommunicated people as excommunicates. (Rarely does any local church do this.) Church officers who serve the Lord's Supper to such self-excommunicated individuals have denied their holy offices as guardians of the sacraments. It is not surprising that a loose view of the sacraments is normally accompanied by a loose view of the church and a loose view of the tithe.

4. The Chalcedon Foundation

Rushdoony for decades paid his tithe to his own educational foundation, Chalcedon. He did not belong to any local church until early 1991, when he declared Chalcedon to be a church. Problem: his published theology of the tithe rests on a fundamental confusion between the sacramental function of the church and its educational and nurturing function. His published theology of the tithe does not acknowledge the judicial requirement of the individual Christian to finance the sacramental aspect of the kingdom by means of his tithe, and the dominion and kingly aspects by means of voluntary donations above the tithe to non-ecclesiastical organizations.

Prior to 1991, Chalcedon, like the Institute for Christian Economics, was kingly rather than priestly in its calling.[123] Neither organization was entitled to any portion of the tithe except at the discretion of churches that collect tithes and then donate the money to either organization. (As the saying goes, "Don't hold your breath.") The donor owes his local church his tithe; he does not possess the authority to allocate his tithe money (priestly, sacramental money) to other organizations. Chalcedon, ICE, and all other parachurch and educational ministries owe

122. I am not referring to Rushdoony's 1992 anointing of Chalcedon as a church. I am speaking of his published theology and his two-decade absence from a local church and its communion table until 1992, when he began serving communion to himself and his family.

123. The ICE was legally chartered as a charitable trust, not a foundation.

it to their supporters to warn them never to send in donations unless they first tithe to a local church.[124] This limitation would keep most of them quite tiny to the extent that they are financed by tithes, since very few Christians tithe. Rushdoony in the late 1970s invented a theology of the tithe that justified Chalcedon's collection of part or all of Christians' tithes. This self-interested theological confusion undermined his theology of the kingship of Christ and the dominion covenant.

Rushdoony's theology of the tithe rests on an *economic* distinction within the calling of the Levites: sacraments vs. social works. The Mosaic tithe, he said, was owed primarily because of the socially important services that were performed by the Levites. Only the 1% going to the priests directly constituted the sacramental portion; 9% went for social services. "Only a handful of Levites were engaged in temple service, as against the vast numbers whose work was instruction (Deut. 33:10)."[125] Note: his focus was on instruction. This is consistent. Chalcedon until 1991 was a strictly non-profit, government-chartered educational institution.

He made his views clear, that "nowhere in Scripture is man or the church given the power to require or enforce tithing."[126] On this weak theological reed he built his theology after 1979. (Ironically, it was my tithe to my church that was used to finance the publication of *Tithing and Dominion*.)

P. A Single Storehouse

The Bible does not speak of multiple storehouses of the tithe; it speaks of only one storehouse. If a society violates this single storehouse principle of the mandatory tithe, it brings itself under God's negative corporate sanctions. If it obeys this principle, it gains God's positive corporate sanctions.

> Will a man rob God? Yet ye have robbed me. But ye say, Wherein have we robbed thee? In tithes and offerings. Ye are cursed with a curse: for ye have robbed me, even this whole nation. Bring ye all the tithes into the storehouse, that there may be meat in mine house, and prove me now herewith, saith the LORD of hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it. And I will rebuke the devourer for your sakes, and he shall not destroy the

124. On this point, see my response to John R. Muether in Gary North, *Westminster's Confession: The Abandonment of Van Til's Legacy* (Tyler, Texas: Institute for Christian Economics, 1991), pp. 289–92.

125. Rushdoony, *Law and Society*, p. 127.

126. Rushdoony, "The Nature of the Church," *Calvinism Today* (Oct. 1991), p. 3.

> fruits of your ground; neither shall your vine cast her fruit before the time in the field, saith the LORD of hosts. And all nations shall call you blessed: for ye shall be a delightsome land, saith the LORD of hosts (Mal. 3:8–12).

Note that the word is storehouse (singular), not storehouses (plural). But this is not how Rushdoony summarized the text: "The tithe was given to the Levites, who stored the animals and grain in storehouses (Mal. 3:10) until they could either be used or sold. It is a silly and self-serving modernism which leads some clergymen to insist that the *storehouse* is the church. . . . The Levites had very broad functions in Israel: they were the teachers (Deut. 33:10), the musicians, the judges at times, the medical authorities and more; superintending foods and their cleanliness was a part of their duty."[127] But the issue is not, in Rushdoony's phrase, "self-serving modernism." *The issue is the actual text of Scripture*. Men must not become self-serving when they read a text of Scripture—liberals or conservatives. The text speaks of a storehouse: singular.

What Rushdoony always ignored in this connection was that the Levites protected the place of sacrifice. While they did indeed provide legal advice and other services, the office of Levite was defined in connection to the tithe as a judicial office: guardian of the temple. Rushdoony designated as *self-serving* and modernist all those theologians who have identified the storehouse with the church: the receptacle of the tithe. Almost three decades of sending his own tithe to Chalcedon was presumably not self-serving, in his opinion. But those who say that the tithe belongs only to the local church are modernists and pietists. You know: modernists such as John Calvin, who commented on Malachi 3:10 by describing any withholding of the tithe from the priests as a form of sacrilege: "They had been sufficiently proved guilty of rapacity in withholding the tenths and the oblations; as then the sacrilege was well known, the Prophet now passes judgment, as they say, according to what is usually done when the criminal is condemned, and the cause is decided, so that he who has been defrauded recovers his right. . . . *Bring*, he says, to *the repository* (for this is the same as the house of the treasury, or of provisions) *all the tenths*, or the whole tenths. We hence learn that they had not withholden the whole of the tenths from the priests, but that they fraudulently brought the half, or retained as much as they could; for it was not without reason that he said, *Bring all*, or the whole."[128]

127. Rushdoony, "The Tithe in Scripture," *Tithing and Dominion*, p. 17.

128. John Calvin, *Commentaries on the Twelve Minor Prophets*, 5 vols. (Grand Rapids, Michigan: Baker, [1559] 1979), V, p. 588.

Calvin understood exactly what crime against God was involved in withholding the full 10% from the Levites: *sacrilege*. Paying the priests their tenth of the tithe was not sufficient to avoid the crime of sacrilege, Calvin said. They had to pay the entire remaining nine-tenths to the Levites. Sacrilege is an attack on God's sacramental institution, the church—an attack on the sacraments. Calvin also understood clearly that the tithe went to the Levites and priests because of their judicial offices as guardians and administrators of the sacraments. This economic entitlement was grounded judicially in the sacraments, and *only* in the sacraments. Any other duties performed by the Levites and priests were incidental to their administration of the sacraments. Calvin never referred to these supplemental social activities. Rushdoony, in sharp contrast, categorically denies any sacramental authority to the institutional church. He has abandoned the theology of Calvin and the Puritans in the name of Calvin and the Puritans. *Rushdoony moved from Calvinism to Anabaptism*. Nowhere is this clearer than in his published view of the tithe.

Q. Rushdoony's Social Gospel

We can see Rushdoony's break with Calvinism in his false distinction between the Levites' task as educators and the place of sacrifice, the sanctuary. "Education was one of the functions of the Levites (not of the sanctuary)."[129] To prove this supposed separation of religious education from the sanctuary in the Levitical calling, he would have to identify the judicial basis of the Levites' separation from the other tribes in terms of their provision of social services. This cannot be done textually. Numbers 18 is clear, as we have seen: *the separation of the Levites from the other tribes was based on their unique access to the temple and its sacrifices*. This separation was based on a *geographical boundary*—legal access to the tabernacle/temple—and not on their provision of social services, especially educational services.

Is the education of children lawfully a function of the church, the state, or the family? Rushdoony always denied the legitimacy of education by the state, but he was undecided regarding the educational authority of church and family. "The Christian school is a manifestation of the visible church, and at the same time, an extension of the home."[130] But which one possesses institutional sovereignty? *Economi-*

129. Rushdoony, *Institutes*, p. 55.

130. Rushdoony, *Intellectual Schizophrenia: Culture, Crisis and Education* (Philadelphia: Presbyterian and Reformed, 1961), p. 42.

cally, the answer is clear: the agency that funds education. What about *judicially*? On this point, Rushdoony was ambivalent. But this much is clear: if education was the function of the Levites, and this function was separate from the sanctuary (i.e., the sacrifices), as he insisted was the case, then the Levites as educators were under the authority of families if families paid for education by allocating their tithes. This is exactly what Rushdoony's theology of the tithe concludes. This means that *pastors as Levite-educators (i.e., as tithe-receivers) are under the authority of families*. Since he denied the sacramental character of the church, he stripped the church of all covenantal authority. It cannot impose sanctions for non-payment of tithes. Once again, we are back to familism-clannism.

Rushdoony's voluntaristic view of the tithe is shared by most of the modern church and most of its members, which is why the modern church is impotent, both judicially and economically. This is why statism has visibly triumphed in our day. Rushdoony admitted this when he wrote that "the abolition of the tithe has opened the way for truly oppressive taxation by the state in order to assume the social responsibilities once maintained by tithe money."[131] But he erred once again: the fundamental issue is not money; it is the sacramental character of the church. *The fundamental issue is the judicial basis of a local church's claim on 10% of the net productivity of its members*. This claim is sacramental-judicial, not social-economic.

Rushdoony always discussed the primary role of the institutional church ("Levites") as a social agency, openly denying its sacramental character. He was wrong, and this single error has produced more harm for the Christian Reconstruction movement than anything else in his writings. He had no respect for the sacrament of the Lord's Supper, and it shows. *Without covenantal sanctions in history, there could be no covenant: church (keys), state (sword), or family (rod)*. He tried to strip the institutional church of her lawful negative sanction—excommunication—by stripping divine sanctions from the Lord's Supper. He wrote himself out of the church, 1970–1991, in order to justify his self-excommunication from the church.

In this respect, Rushdoony became a consistent defender of a social gospel. His pietist critics have recognized this, although their view of the tithe is rarely better than his, and their view of the sacraments is only slightly better. Rushdoony's theology does defend gospel preaching as a function of the church, thereby avoiding the

131. Rushdoony, *Institutes*, p. 57.

liberal version of the social gospel. But the institutional church has three aspects: the preaching of the gospel, the administration of the sacraments, and the authority to police access to the sacraments, i.e., church discipline (the keys of the kingdom). *One searches in vain in Rushdoony's writings for even one page devoted to a theological exposition of the discipline of the church*. He steadfastly refused to discuss the meaning of the keys of the kingdom. This is why he never published so much as a chapter on the doctrine of the church: sacraments, tithe, and discipline.

Rushdoony's view of the church was not even remotely Reformed. He used Calvinist phrases, but he abandoned Book IV of Calvin's *Institutes*. Rushdoony's ecclesiology is completely wrong.

R. The Fatal Flaw in Rushdoony's Theology

Rushdoony began to develop the rudiments of his theology of the tithe in the late 1960s, after Chalcedon had received its tax-exempt status from the U.S. Internal Revenue Service. In *The Institutes of Biblical Law* (1973), he wrote: "Moreover, the modern church calls for tithing to the church, an erroneous view which cuts off education, health, welfare, and much else from the tithe."[132] He understood that his view of the tithe transfers power to the members, who are supposedly under no judicial requirement to pay their tithes to the church: "If the church collects the tax, the church rules society; if the state collects the tax, the state rules society. If, however, the people of God administer the tithe to godly agencies, then God's rule prevails in that social order."[133] The central legal issue is *administration*: Who has the God-given authority to allocate the tithe? The Bible is clear: the church. Rushdoony was equally clear: the tithe-payer.

1. Judicial Representation

Notice Rushdoony's implicit assumption: because God says that He is entitled to a tithe, a godly society is determined *economically* by the agent who distributes it. The biblical fact is very different: the judicial status of a godly society is determined *covenantally* in terms of which agency collects and then distributes the tithe, for this identifies which god rules in society by which representatives. A Christian society is identified biblically by the widespread presence of churches that collect the tithe, i.e., churches that possess and exercise their

132. Rushdoony, *Institutes*, p. 513.
133. *Ibid*., p. 514.

God-given authority to impose negative sanctions against members who refuse to pay the tithe.

My view is that the proper negative sanction to be used against non-tithing members is their removal from the list of voting members. They would not be allowed to impose sanctions on church officers.[134] God blesses covenantally faithful societies. Tithing to God's church is a primary mark of covenantal faithfulness. Cause and effect move from law (boundaries) to sanctions (blessings and cursings). But the judicial issue is God's delegated authority: Who owes what to whom? In short, *who lawfully holds the hammer*? Is the fundamental authority of the kingdom of God primarily economic, with Christian individuals holding the hammer, or is it primarily judicial, with church officers holding it?

Christians have always acknowledged that individuals owe taxes to the state. Render unto Caesar the things that are Caesar's, Jesus said (Matt. 22:21).[135] The individual does not lawfully decide how his taxes will be spent; the state's officers do. Christians have always acknowledged that Children owe support to parents. This is not optional. Even priests must pay, Jesus said. No priest can escape this obligation by crying, "corban," as if this obligation were a voluntary gift (Mark 7:11–13). (*Corban* is the Hebrew word used in Leviticus 2:1 to describe the meat [meal] offering, i.e., the second sacrifice.)

Then what about the church? Does the tithe-payer have the God-given authority to decide to pay the tithe to any organization other than the institutional church? No. Paying the tithe to the institutional church is each church member's legal obligation before God. In all three covenantal institutions, paying money is not a matter of choice; it is a matter of legal obligation. The allocation of the money so collected is not the decision of those who pay.

2. Economics or Oath?

Rushdoony misidentified this authority structure. In his view, economics, not God's covenantal law of the church, is determinative: a godly society, he said, is financed by the tithe. Again, his libertarian presuppositions are obvious. He was not exaggerating when he announced on national television in 1987: "I'm close to being a libertarian. . . ."[136] As he saw it, the success or failure of God's non-profit king-

134. North, *Tithing and the Church*, ch. 3.

135. North, *Priorities and Dominion*, ch. 44.

136. Bill Moyers, "God and Politics: On Earth as It Is in Heaven," Public Affairs Television (1987), p. 5.

dom institutions will be determined by God's sovereignty by means of the decisions of individual Christians regarding where to pay their tithes—decisions made without any legitimate threat of institutional sanctions from the recipients. Sanctions—positive or negative—are imposed by individual Christians on the recipient institutions; the institutions have no legitimate negative sanctions of their own. The institutional church is described by Rushdoony as being little more than an income-seeking business that competes for the consumers' money. This view of church financing removes the power of the keys from the church. This conclusion is completely consistent with Rushdoony's pre-1991 view of the sacrament of the Lord's Supper: a rite without covenantal sanctions.

3. Individualism or Familism

Rushdoony's libertarianism and individualism are both visible in his view of the tithe. On this topic, Rushdoony was an economic determinist. He said, in effect: "He who controls the allocation of the tithe controls Christian society. The individual Christian lawfully controls the allocation of the tithe, so he should control Christian society. The institutional church has no lawful authority to compel such payment by any threat of sanctions. Hence, the individual is *judicially autonomous* in the allocation of the tithe. Only God can impose negative sanctions against him." This is the libertarian theology known as *the divine right of the individual*. Divine-right theology always rests on a presupposition that someone—the king, the legislature, or the individual—is beyond legitimate institutional sanctions in history. Rushdoony's radical individualism is clearly seen here. He rejected covenant theology in favor of Anabaptist theology.

Rushdoony wrote repeatedly that individualism always leads to statism. The humanist state can compel payment of taxes, can demand obedience, and therefore it possesses divine rights. That is, the humanist state claims autonomy from (and therefore authority over) every rival institution. To challenge such a view of the state, there has to be an appeal to another authority with authority that is equal to the state's in many areas and superior to it regarding the collection of funds from its members. In short, the authority of the church to collect tithes from its voting members prior to the tax collector's extraction of money from church members must be affirmed in civil law. The church must have legal priority over the state's authority in

the involuntary collection of money.[137] Only if some other covenantal institution possesses comparable authority over its members' money can we identify an agency with comparable covenantal authority.

Rushdoony's theology of the tithe denies such authority to the church. This leaves only the family as a rival covenantal institution. But, biblically speaking, the family possesses neither the sword nor the keys of the kingdom. *This is the fatal flaw of Rushdoony's social theory*. Rushdoony's anti-ecclesiastical theology can offer only two futile alternatives to the divine right of the state: radical individualism or patriarchalism-clannism. The state historically has overcome both of these alternatives, from ancient Greece to the present. He pointed this out in *The One and the Many*. "In early Greek and Roman cultures, paternal power was religious power, a power continuous with all being and essentially divine, requiring duties of the father and conferring him with authority. The father, as Fustel de Coulanges has shown, in *The Ancient City*, was under law; but, it must be added, he was not only under law but a part of that law and continuous with it in the chain of being. He was thus to a degree the law incarnate, in that he possessed a measure of the ultimate law in his person. This manifestation of law moved steadily from the father to the state, so that the state, originally the creature of the family and of the fathers, made itself the father, and the source of law, with the family turned into its creature."[138]

By rejecting a sacramental defense of both the church and the tithe, *Rushdoony converted his theology into a conservative version of the social gospel*. The legitimacy of the church, manifested in Rushdoony's ecclesiology only by its ability to persuade church members to donate money to it, is grounded on the good deeds that churches perform in society. This is the U.S. Internal Revenue's view of non-profit status, the liberal's only reason for allowing the church to escape the tax man.

Rushdoony's view of the church was libertarian. He viewed the church strictly as a voluntary society. In his view, the church is not founded on a self-maledictory oath before God, for such an oath would transfer judicial authority to church officers as God's monop-

137. This is acknowledged implicitly judicially in the U.S. tax code. The taxpayer is allowed to deduct tithes and offerings from his gross income before estimating his income tax (though not his FICA or Social Security tax). He pays income taxes only on the money that remains after charitable giving. This is not true in most European countries, where the state has primary claim on income, with the church taking whatever remains.

138. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), p. 130.

olistic agents. They could then lawfully compel payment of the tithe by members.

His view of church authority creates a divine right of the individual church member. The individual alone supposedly is God's designated agent who lawfully controls the distribution of the tithe rather than the church's ordained authorities. Beyond him there is no ecclesiastical appeal.

The alternative to a Christian view of society that places the church covenant at the center of its social theory is either a statist view of society or a patriarchal view of society. Rushdoony, faithful to an Armenian heritage that did not survive the second generation of immigrants—his generation—chose the latter view. Patriarchalism cannot survive for even three generations in a society that prohibits arranged marriages and allows easy divorce.

It also cannot survive the biblical view of marriage. It was Roman law, with its intense patriarchalism, that kept the clans alive. The English common law heritage was, from the twelfth century onward, utterly hostile to the revived Roman law's view of marriage and family authority, which steadily gained new respect and power on the Continent.[139] That Rushdoony should be regarded as soft on divorce, which in some cases he was,[140] is ironic: nothing undermines a patriarchal society—the family as sacramental—faster than the widespread acceptance of divorce on demand. His own sad experience with his first marriage, like the similar experiences of his brother and his sister, should have warned him.

Conclusion

The Levitical cultural and social services that Rushdoony listed as the basis of the Levites' reception of the tithe were all subordinate aspects of their primary judicial function: to guard the sacramental boundary around the tabernacle/temple. Secondarily, Levites were to declare God's law and to help the priests administer some of the sacrifices and some of the liturgies of worship—what Rushdoony dismissed as mere "rites." The Book of Numbers is clear: the tithe was based on the Levites' sacramental separation from the people—in other words, their *holiness*. "And, behold, I have given the children of Levi all the tenth in Israel for an inheritance, for their service which they serve,

139. Alan Macfarlane, *Marriage and Love in England: Modes of Reproduction 1300–1840* (Oxford: Basil Blackwell, 1986), ch. 7: "Who Controls the Marriage Decision?"

140. See North, *Tithing and the Church*, pp. 156–57.

even the service of the tabernacle of the congregation. Neither must the children of Israel henceforth come nigh the tabernacle of the congregation, lest they bear sin, and die" (Num. 18:21–22). I comment on this in chapter 10 of *Sanctions and Dominion*.

The New Testament has not abrogated the Old Testament. The church's hierarchical authority is grounded on the same judicial foundation that the Levites' authority was under the Mosaic law: their God-ordained service as guardians of a sacramental boundary. The requirement of each church member to tithe exclusively to the institutional church that lawfully administers the sacraments rests today, as it did in the Mosaic law, on the uniquely sacramental character of the church. The mark of the church's institutional sovereignty is its control over lawful access to the sacraments. This control necessarily involves the enforcement of a boundary: the right to exclude. The church's authority to exclude people from the Lord's Supper is the ultimate judicial basis of its discipline. Excommunication means exclusion from Holy Communion: the Lord's Supper. Because the institutional church possesses this sacramental monopoly, it alone possesses the authority to collect the full tithe of every member.

This authority to exclude is imparted to church officers by means of their possession of the keys of the kingdom. "And I will give unto thee the keys of the kingdom of heaven: and whatsoever thou shalt bind on earth shall be bound in heaven: and whatsoever thou shalt loose on earth shall be loosed in heaven" (Matt. 16:19). Without access in history to the keys of heaven, there can be no kingdom of Christ in history: *no heavenly keys = no earthly kingdom*. The keys invoke heavenly sanctions; often, they invoke visible earthly sanctions. A king without sanctions in history is not a king in history. The most important sanctions in history are in the hands of those who control the keys to the kingdom: officers of God's visible church.

Rushdoony poured out his verbal wrath on the institutional church in his attempt to broaden the definition of the church to include the family and non-profit educational institutions, and, in his words, "far, far more."[141] This is why Rushdoony's view of the visible church has undermined his theology of the kingdom of God in history. Volume 2 of *The Institutes of Biblical Law* undermines Volume 1. What was a flaw no larger than a man's hand in Volume 1 became a whirlwind in Volume 2. It stripped him of his doctrine of the church covenant—a covenant grounded in an oath before God (baptism)—for every cov-

141. Rushdoony, *Law and Society*, p. 337.

enant must have negative institutional sanctions. His theology allows no formal negative sanctions for the church. If a Christian can, without consequences, decide not to take the Lord's Supper in a local church for 25 years, then what threat is excommunication? The correct answer is: he cannot do this without consequences. It is an answer Rushdoony refused to accept until 1991.

Rushdoony's view of the tithe stripped him of his Calvinism, for it led to his rejection of the authority of the institutional church. This was a heavy price to pay. It is not easy to be taken seriously as a Calvinist theologian when you promote an Anabaptist or patriarchal view of the Lord's Supper, a Baptist ecclesiology, and a social gospel definition of the church. It would have been far cheaper for him just to have paid a tithe to some local congregation and have been done with it from 1964 until 2001—cheaper, that is, for a person willing to submit himself to another pastor. But, after 1964, Rushdoony refused to do either.

Rushdoony paid a heavy price: the bulk of his life's work is conveniently and illegitimately dismissed by serious churchmen as the work of a theological and personal screwball. By cutting his ties in 1970 with any denomination that was more than a few years old, he forfeited his ability to transfer his intellectual inheritance to someone of his choice. Only the institutional church survives intact until the day of judgment. Only the institutional church offers God-guaranteed covenantal continuity in history. *If the institutional church rejects a man's work, then that work cannot stand the test of time*. It will be weighed in the balance and found wanting.

To the extent that Rushdoony's work does survive, it will survive only because of the continuity provided by those who remain inside the institutional church, pay their tithes to the institutional church, and receive the Lord's Supper from men who have been lawfully ordained by other lawfully ordained men: the laying on of hands. This is true of every Christian's legacy. *If the institutional church refuses to incorporate and develop a man's ideas in history, these ideas will not come to positive fruition in history*. If a Christian's spiritual heirs remain peripheral to the institutional church, his legacy will remain peripheral in history. This truth may not seem relevant to a premillennialist or amillennialist who sees the cultural effects of the gospel in history as marginal, but it is extremely relevant to a postmillennialist, or should be.

Contempt for God's institutional church is theologically fatal. God's church is not now, nor has it ever been, a mummy factory. The institutional church, for all her flaws, is God's bride. God has no other.

APPENDIX C

LEAVEN AS EXCLUSIVELY EVIL

Another parable spake he unto them; The kingdom of heaven is like unto leaven, which a woman took, and hid in three measures of meal, till the whole was leavened.

MATTHEW 13:33

The Dominionist interpreters constantly emphasize the Bible's elaborate system of symbols. This is the foundation of their whole method of interpretation. But they depart from their own principle when it doesn't serve their purpose. They try to make the symbol of ***leaven*** *in this parable refer to the Kingdom of God and how it will spread to take dominion over the earth. However, there's one big problem with that interpretation—****leaven*** *in the Bible* ***is always used as a symbol of evil's explosive power to spread****. It is never used as a symbol of good.*

HAL LINDSEY (1989)[1]

Yeast is a biblical symbol of continuity. It symbolizes growth over time, both of good and evil. If leaven in the Bible referred exclusively to the development of evil, then it could not be a defining characteristic of the kingdom of God. But Matthew 13:33 says that it is such a defining characteristic. Conclusion: it is not, contrary to the dispensationalists, invariably a symbol of evil. Late in his career, Dallas Seminary theologian J. Dwight Pentecost admitted this in the carefully concealed revision of his 1958 book, *Things to Come*.[2] But Hal Lindsey was not about to give up this crucial pillar of dispensationalism.

There is a very good reason for Lindsey's emphatic yet theologically insupportable assertion regarding the meaning of leaven. The

1. Hal Lindsey, *The Road to Holocaust* (New York: Bantam, 1989), p. 47. As an aside, Bantam is located at **666** Fifth Ave., New York City.

2. See below, "Dr. Pentecost's Carefully Concealed Revision."

dispensationalist must deny that the kingdom of God acts in a leaven-like fashion because of his view of the future of the church. If the kingdom of God grows steadily over time, yeast-like, reaching its consummation with Christ's Second Coming at the final judgment, then what of the timing of the so-called "secret rapture" of the church into heaven? This discontinuity is said by dispensationalists to be scheduled a thousand and seven years before the final judgment.[3] This is why Dr. Pentecost's revision of *Things to Come* represents a remarkable surrender of a crucial element of the dispensational position.

In contrast, amillennialists and postmillennialists deny that this bodily resurrection into the heavens will be secret. Second, they place it at the end of time, immediately prior to the final judgment. They appeal to Matthew 13, a chapter that utterly destroys the theological case for dispensational premillennialism, for it undermines dispensationalism's principle of historical discontinuity.

A. Continuity and Discontinuity

Matthew 13 denies the central pillar of dispensationalism's view of the future: the *cosmic discontinuity* of the bodily "rapture" of the saints up to heaven before the millennium, the period in which Jesus will supposedly reign from a throne in Jerusalem. The essence of the New Covenant kingdom in history is *continuity*, according to Matthew 13; therefore, the monumental historical discontinuity of the premillennial secret rapture[4] cannot be made to fit within this kingdom continuity.

Consider Christ's parable of the tares and wheat, which is only one part of Matthew 13's defense of the New Covenant era of historical continuity:

> Another parable put he forth unto them, saying, The kingdom of heaven is likened unto a man which sowed good seed in his field: But while men slept, his enemy came and sowed tares among the wheat, and went his way. But when the blade was sprung up, and brought forth fruit, then appeared the tares also. So the servants of the householder came and said unto him, Sir, didst not thou sow good seed in thy field? from whence then hath it tares? He said unto them, An enemy hath done this. The servants said unto him, Wilt thou then that we go and gather them up? But he said, Nay; lest while ye gather up the tares, ye root up also the wheat with them. Let both grow together until the harvest: and in the time of harvest I will say to the

3. In pre-tribulational premillennialism, by far the most widely held view. In post-tribulational premillennialism, 1,000 years.

4. Hereafter referred to as the Rapture.

> reapers, Gather ye together first the tares, and bind them in bundles to burn them: but gather the wheat into my barn (Matt. 13:24–30).

This parable confused the disciples. They asked Jesus to explain it to them. He did, making it clear that there will be no discontinuity ("Rapture") before the His Second Coming in final judgment:

> He answered and said unto them, He that soweth the good seed is the Son of man; The field is the world; the good seed are the children of the kingdom; but the tares are the children of the wicked one; The enemy that sowed them is the devil; the harvest is the end of the world; and the reapers are the angels. As therefore the tares are gathered and burned in the fire; so shall it be in the end of this world. The Son of man shall send forth his angels, and they shall gather out of his kingdom all things that offend, and them which do iniquity; And shall cast them into a furnace of fire: there shall be wailing and gnashing of teeth. Then shall the righteous shine forth as the sun in the kingdom of their Father. Who hath ears to hear, let him hear (Matt. 13:37–43).

Loraine Boettner, a postmillennial theologian, in 1958 devoted an entire chapter to this obvious problem in dispensationalism's exegesis.[5] He commented forcefully on the clear teaching of Matthew 13:33, the parable of the leaven: *gradualism*.

> The parable of the leaven teaches the universal extension and triumph of the Gospel, and it further teaches that this development is accomplished through the gradual development of the Kingdom, not through a sudden and cataclysmic explosion. . . . The Kingdom of heaven, like leaven, transforms that with which it comes in contact. All the meal was transformed by its contact with the leaven. Similarly, Christ teaches, society is to be transformed by the Kingdom of heaven, and the result will be a Christianized world. Premillennialists cannot admit this. To do so would contradict their whole system. Hence they seek another meaning, and where Christ says *the Kingdom of heaven is like leaven*, they say that the leaven is not symbolical of the Kingdom of heaven, but of evil.[6]

He then chided dispensational commentators—self-proclaimed defenders of a literal hermeneutic—for their obvious "spiritualizing" of the plain teaching of Scripture: "We are at a loss to understand how any one professing to take the Bible at face value, particularly those who lay great stress on literal interpretation, can deliberately contradict the words spoken so clearly and unequivocally and make

5. Loraine Boettner, *The Millennium* (Philadelphia: Presbyterian & Reformed, 1958), ch. 18.

6. *Ibid*., p. 27.

them mean the exact opposite, in this case, false doctrine. These are the very people who protest so strongly against 'spiritualizing.' Anyone who can so change the meaning of Scripture can make it mean anything that he pleases."[7]

Without doubt, this is one of the most difficult passages in the Bible for the premillennial views of the Bible. To answer him, dispensationalists need at least a detailed volume. A brief, off-hand remark or two is not sufficient, yet this is all they bother to provide. They do not publicly acknowledge the existence of Boettner's chapter. Since there is no answer to their exegetical problem except adopting either postmillennialism or amillennialism, one can hardly blame them. (This same criticism—no eschatological discontinuity in the future—applies to all premillennial systems.)

B. The Kingdom as Righteous Leaven[8]

The kingdom of God is like leaven. Christianity is the yeast, and it has a leavening effect on the pagan, satanic culture around it. It is designed to permeate the whole of this culture, causing it to rise. *The bread produced by this leaven is the preferred bread*. In ancient times—indeed, right up until the nineteenth century—bread was considered the staff of life, the symbol of life. It was the source of men's nutrition. "Give us this day our daily bread," we are to ask God (Matt. 6:11). The kingdom of God is the force that produces the fine quality bread that men seek. The symbolism should be obvious: Christianity makes life a joy for man. It offers the cultural benefits that most men acknowledge as the best (Deut. 4:5–8).

Leaven takes time to produce its positive effect. *Leaven requires historical continuity*. Men can wait for their leavened bread, for God gives them time sufficient for the working of His spiritual leaven. They may not understand how it works, how its spiritual effects spread through their culture and make it a delight, any more than they understand how yeast works to produce leavened bread, but they can see the bread rising, and they can see the progressive effects of the leaven of the kingdom. They can look into the oven and see risen bread. If we really push the analogy—pound it, even—we can point to the fact that the dough is pounded down several times before the

7. *Idem*.

8. For a more detailed exegesis, see Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion* (1985), ch. 12:G–I.

final baking, almost as the world pounds the kingdom; but the yeast does its work, *just so long as the fires of the oven are not lit prematurely*. If the full heat of the oven is applied to the dough before the yeast has done its work, both the yeast and the dough are burnt, and the burnt mass must be thrown out. But given sufficient time, the yeast does its work, and the result is the bread that men prefer.

What a marvelous description of God's kingdom! Christians work with the cultural material available, seeking to refine it, to permeate it, to make it into something fine. They know that they will be successful, just as yeast is successful in the dough, if it is given enough time to do its work. That is what God implicitly promises us in the analogy of the leaven: *enough time to accomplish our individual and our corporate tasks*. He tells us that His kingdom *will* produce the desirable bread. This will take time. It may take several poundings, as God, through the hostility of the world, kneads the yeast-filled dough of man's cultures, but the end result is guaranteed.

C. Dr. Pentecost's Carefully Concealed Revision

Dallas Theological Seminary long-time professor J. Dwight Pentecost's book, *Things to Come*,[9] is the standard academic book in Bible prophecy within dispensationalism. He reversed his views on just this point. Without telling the reader why he reversed himself, or even that he did reverse himself, he abandoned the traditional dispensational interpretation of the parable of the leaven (Matt. 13:33).

His earlier interpretation had followed the lead of C. I. Scofield and all other dispensational theologians of the twentieth century: the key rebuttal of the continuity eschatologies of postmillennialism and amillennialism. Without this theologically crucial rebuttal, it is impossible to defend premillennialism's eschatological discontinuity: the Rapture.

In the original edition (1958) and subsequent editions until the 1987 edition, he defended the traditional dispensational view of leaven as evil. In the original edition, he argued for the eventual triumph of unbelief in this, the "Church Age." He wrote that Jesus' parable of the mustard seed (Matt. 13:31–32) points to the expansion of an *evil* tree in history, "a monstrosity. . . . The parable teaches that the enlarged sphere of profession has become inwardly corrupt. This is the characteristic of the age" (p. 147). In his exposition of the parable

9. Dunham Publishing Co., distributed by Zondervan.

of the leaven, he argued: "This evidently refers to the work of a false religious system. . . . This figure is used in Scripture to portray that which is evil in character. . ." (p. 148). Summarizing, he wrote: "The mustard seed refers to the perversion of God's purpose in this age, while the leaven refers to a corruption of the divine agency, the Word, through which this purpose is realized" (p. 148). Pentecost's focus here was *ethics*: the progressive triumph of evil through time, during the "Church Age." This could at least serve as the foundation of a dispensational philosophy of history: *the defeat of the saints*.

Three decades later, he abandoned this view, but very few of his followers are aware of the fact. The 1987 reprint is not a reprint but *a strategically revised edition*. It is nowhere identified as such. Dr. Pentecost had the typesetter carefully superimpose a crucial revised section. The switch is almost undetectable, yet it is a devastating admission for dispensationalism. Here is his revised exposition of Christ's kingdom during the "Church Age." *Mustard Seed*: "This part of the parable stresses the great growth of the kingdom when once it is introduced. The kingdom will grow from an insignificant beginning to great proportions" (p. 147). There is not a word about its ethical corruption. *Leaven*: "When leaven is used in Scripture it frequently connotes evil. . . . Its use in the sacrifices that represent the perfection of the person of Christ (Lev. 2:1–3) shows that it is not always so used. Here the emphasis is not on leaven as though to emphasize its character, but rather that the leaven has been hidden in the meal, thus stressing the way leaven works when once introduced into the meal" (p. 148). In short, *there is now no focus on ethics*: not one word about any evil effects of either the mustard seed or the leaven. His new focus was on the growth of the kingdom of Christ in history—a postmillennial focus: "The parable of the mustard and the leaven in meal, then, stress the growth of the new form of the kingdom" (p. 148).

If Christ's kingdom is not being corrupted in our dispensation, then it is either ethically neutral (the kingdom of Christ as ethically neutral?!?) or positive. Pentecost's theological problem was obvious: *there can be no ethical neutrality*. If the necessarily expanding kingdom of Christ is not being steadily undermined by theological and moral perversion, then it must be growing in righteousness. This interpretation is the postmillennial view of the kingdom of God: expansion over time. Matthew 13 is not discussing Satan's kingdom; it is discussing Christ's. Dr. Pentecost very quietly overthrew the heart and soul of the traditional dispensational system's account of the inevitable

progress of evil in what dispensationalists call the "Church Age."[10] Yet no one inside the dispensational camp has been willing to discuss in public the implications of this radical alteration by Pentecost, or explain exactly why it has not, if correct, overthrown the dispensational system.

D. The Parables of Growth

The parables of growth point to a fulfillment of God's plan, in time and on earth. They point to *a steady expansion of the leaven of the gospel*. They point to an expansion of God's kingdom, in time and on earth, as the leaven makes something edible of the *fallen dough* of creation. *The fallen dough will rise*. It takes leaven. It takes kneading. It takes time. But the fallen dough of the cursed creation will rise. God promises this. But Christians still refuse to believe it. When Christ announces "The kingdom of God is like unto…," they reply, "Oh, come on, it couldn't be like that. No, it is really like this…."

Premillennialists substitute a parable of uprooted wheat (the Rapture). In "pop-dispensationalism," the uprooted wheat is returned to the field seven years later and is replanted, though fully mature and perfect, alongside of the still-maturing tares, and alongside of newly planted wheat.[11] Amillennialists, who do believe in historical continuity, have rejected this vision of a premature uprooting, but they have no confidence in Christ's earthly leaven, either. They wind up arguing for the cultural triumph of Satan's earthly leaven. Satan's leaven will steadily push out Christ's cultural leaven, we are told. Only at the final judgment will Christ's return in power instantaneously remove Satan's leaven and instantly fire up the oven, leaving His earthly leaven, the church, to do its work instantly, raising the dough in the midst of the oven. In other words, their view of the leaven of the church violates the parable's analogy, that is, the steady rising of the dough before the oven's final baking.

Both of these millennial approaches are widely held today. Both provide theological justifications for the seeming inability of the church to grow more rapidly than Satan's kingdom does, and also the seeming inability of Christians, as Christians, to provide leadership

10. Gary DeMar spotted this shift in early 1992. He looked up Pentecost's section on leaven in the 1987 edition. He found that it was not what Kenneth Gentry had quoted in a newsletter. He telephoned Gentry, who looked it up in the 1958 edition. The two versions differed.

11. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), pp. 152, 255–56, citing Thomas D. Ice and Dave Hunt.

in any field.[12] Whichever of these two substitutions a man accepts, he has abandoned the analogy of the holy leaven. He has abandoned the principle of godly growth over time. He has abandoned Christ's explicit teaching concerning the true nature of His kingdom. He may deny the continuity of growth (the uprooted wheat scenario). He may deny the continuity of victory (Satan's leaven wins). In either case, Christ's people must fail in their dominion assignment, in time and on earth.

In the second view, Satan's leaven triumphs, and God doesn't even bother to go through the premillennialists' "breathing robot" stage of the church, with the direct rule of Christ, in Person, through His bureaucratic hierarchy of breathing robots. God simply scraps history at the end, wiping out Satan in a cataclysmic example of historical discontinuity. God redeems the earth in an instant, makes His people into fully redeemed, fully perfect dominion men, who now can exercise dominion over a fully redeemed creation. In short, God's people in history never learn how to rule. The garden of Eden was a failure as a training camp for dominion; the land of Canaan was equally a failure as a training ground for dominion; and finally, the church of Jesus Christ, the New Jerusalem, winds up an historical failure as a training ground for dominion. Nothing that God does through His people has worked or can work culturally, given the power of evil in history, so God will at last—at *the* last—scrap the failed program in an instant and intervene graciously to give His people their comprehensive cultural victory on a platter. Here is a revised version of the New Testament's parable of the mustard seed: just add instant judgment (since time, God's law, and the ethical subordination of Christ's church to the Master obviously failed, and since the preaching of the gospel failed, and since Christian institutions failed), and presto: *an instant mustard tree*. So much for continuity.[13]

E. John Walvoord's Silence

John Walvoord was the major dispensational theologian of the twentieth century. He wrote 30 books and served as president of Dallas Seminary from 1953 to 1986. He died in 2002 at age 92. It was not an accident that he refused to comment on Matthew 13:33 anywhere in his book on the Rapture. Neither did he offer any exposition on the

12. The one major exception is the Wycliffe Bible translation organization's linguistics program.

13. North, *Millennialism and Social Theory*, ch. 6.

meaning of the word "leaven." He had a major problem: explaining the Rapture's discontinuity. He ignored the problem. He wrote that "the truth about the church as the body of Christ has not yet been introduced, as this is not mentioned until Matthew 16:18. Further, the doctrine of the Rapture has not been introduced either, and the disciples were unaware of the truth of the translation of the saints at the end of the church age. Accordingly, the truth presented in Matthew 13 deals with the whole period between the First and Second Advents."[14] In short, the continuity of history predicted in Matthew 13 was annulled by later revelation. Let us put this argument more graphically: *Jesus deliberately misled His disciples in Matthew 13*. Later, He showed them the truth. This sort of argument is common among theological liberals; it is sad to see a conservative expositor invoke it.

One wonders how Walvoord would answer a Jew who might question him about the doctrine of the Trinity and its apparent absence in the Old Testament. Walvoord probably would reply, "The revelation of the Trinity came after the Old Testament." But that is the Jew's whole point. Such a response does not deal with the fundamental dividing issue. The chronological sequence of revelation is not the issue here; the issue is theological consistency. The key hermeneutical question in both examples—the Trinity and the dispensational Rapture—is this: "Does some later Bible teaching categorically *contradict* an earlier teaching of the Bible?" The appropriate response for a conservative Bible scholar is to demonstrate that an earlier revelation is not contradicted by subsequent revelation.

This was not Walvoord's approach. He simply asserted that Jesus' teaching on the kingdom came, well, *later*. But we know that, Dr. Walvoord! That isn't the point. The point is this: the dispensationalists' Rapture doctrine categorically contradicts the plain teaching—*literal*, I hasten to add—of Matthew 13. The Rapture doctrine asserts the existence of a *radical historical discontinuity* between Christ's first advent and His coming again in final judgment. Matthew 13 denies such a possibility. *This is premillennialism's number-one exegetical problem*. It is comparable to amillennialism's inability to explain the Old Testament's main passage that deals with the New Heaven and New Earth (also mentioned in Revelation 21), Isaiah 65:17–23.[15]

Walvoord wrote that "the truth presented in Matthew 13 deals with

14. John F. Walvoord, *The Rapture Question,* rev. ed. (Grand Rapids, Michigan: Zondervan, 1979), p. 183.

15. North, *Millennialism and Social Theory*, pp. 96–106.

the whole period between the First and Second Advents." Postmillennialists and amillennialists agree entirely: "Second Advent" refers to Christ's bodily, visible Second Coming at the final judgment. It refers to the end of sin-cursed time. But this cannot be its meaning for dispensationalists, since sin-cursed time does not end during the millennium, even though Christ is said to reign on earth during the millennium. Then what did Walvoord mean by "Second Advent"? The phrase is not listed in the book's index. We do find "Second Coming," especially "in contrast to the Rapture," but unfortunately this reference takes us to the book's endnotes (pp. 277–78): no comments, just a bunch of assorted notes. The entry for "Second Coming" refers us to page 61, where we read: "At the Second Advent, indeed, there is a gathering together of the church from heaven and the Old Testament saints in resurrection along with elect angels as well as elect on the earth. All elect of all ages converge upon the millennial scene." This is a reaffirmation of *a major discontinuity before the final judgment*, when all the dead will be raised from the grave. But we do not need reaffirmations to persuade us; we need detailed exegesis.[16] He provides none.

So, rather than discuss Matthew 13, which is the single most important continuity passage in the New Testament, and which on the face of it categorically denies the possibility of the premillennial Rapture, Walvoord just ignored the problem. The premillennial Rapture doctrine was first presented in the New Covenant, he said, with the doctrine of the church, which itself was tacked onto the kingdom doctrine by Jesus three chapters later, in Matthew 16. So much for Jesus' teaching on His kingdom's continuity. Jesus' supposedly definitive teaching in Matthew 13 regarding the continuity of His kingdom barely survived for three chapters. Walvoord's exegetical strategy does not encourage anyone's confidence in dispensationalism's supposedly literalistic hermeneutic: "literal whenever convenient."[17] The

16. For over 35 years, the theological leaders of the dispensational movement have contented themselves with a series of brief reaffirmations. Since the late 1970s, they have not given us very many of these. Ever since 1988—no Rapture, yet the 40th anniversary of the founding of the nation of Israel—we have heard very little at all. Since Bahnsen and Gentry destroyed House and Ice's *Dominion Theology: Blessing or Curse?* (Portland, Oregon: Multnomah Press, 1988), we have heard nothing. See Greg L. Bahnsen and Kenneth L. Gentry, *House Divided: The Break-Up of Dispensational Theology* (Tyler, Texas: Institute for Christian Economics, 1989). See also Gary North, *Rapture Fever: Why Dispensationalism Is Paralyzed* (Tyler, Texas: Institute for Christian Economics, 1993).

17. Some reader may ask in a generation or two: "Why is North kicking this dead

viewpoint's defenders declare that they are hermeneutical literalists, but when pressured, they also invoke symbolism.

F. C. I. Scofield's Denial

Walvoord was following C. I. Scofield's lead. Scofield's comment on the parable of the field is almost beyond belief. Jesus said: "The field is the world; the good seed are the children of the kingdom; but the tares are the children of the wicked one" (v. 38). Message: *the field is the world*. Scofield said: "The parable of the wheat and tares is not a description of the world, but of that which professes to be the kingdom."[18] Message: *the field is* ***not*** *the world*. Scofield was saying that Jesus was wrong. This is a very difficult position for a Bible-affirming author to take, but Scofield was a lawyer. He was presenting a typical lawyer's brief. "If the jury must be misled in order to win your case, this is the price a successful lawyer must pay." Lawyers pay it all the time.

1. Denying Christ's Continuous Kingdom

Scofield knew exactly what he had to do: deny the historical continuity of Christ's kingdom. He did this by denying that Jesus had said what Jesus had clearly said, namely, that *the historical arena of Satan's deception is the world*. Scofield's approach is the corrupt lawyer's tactic of the deliberate misrepresentation of fact. The preposterous nature of his comment should not be regarded as evidence of Scofield's intellectual incompetence. Lawyer Scofield was smart; he was also consistent: driven to this deceptive tactic by the inescapable logic of his position. He understood his jury. The jury for almost a century has remained silent about this obvious misrepresentation. His successors have not deviated from his interpretation. The dispensational theologians who edited the *New Scofield Reference Bible* (1967) left this note intact, word for word.[19] *They could not give up this note without abandoning the whole dispensational system*. If the field is the world, then the world will never experience any discontinuity in the middle of New

theological horse?" Answer: because in my day, this horse is indeed theologically brain-dead at the seminary level, but its body—local churches comprising millions of fundamentalists—is still kicking. I am trying here to give it a decent Christian burial. I am burying it with Scripture.

18. C. I. Scofield, *The Scofield Reference Bible* (New York: Oxford University Press, [1909] 1917), p. 1015n.

19. *The New Scofield Reference Bible* (New York: Oxford University Press, 1967), p. 1015n.

Covenant history so radical as the premillennial Rapture: the tearing out of the wheat, dispensationalism teaches (in open contradiction of the text), rather than the tares. They abandoned a great deal in their revisions of Scofield's notes, but not this. The price was too high.

The meaning of leaven is continuity and growth. This dual process refers to history: the kingdom of God. Yet this is what has always been denied by dispensationalism. The traditional dispensational view is that while leaven does refer to growth, this growth is *the growth of evil*. If good also grows, then a central pillar of dispensational theology collapses, and with it *the* central pillar of dispensational social ethics (meaning a theologically rigorous absence thereof). If good increases, then the Christian social theorist must answer two questions: (1) What is the *legal* basis in society of this progressive social good? (2) How is this progressive social good to be achieved? Dispensationalists shy away from asking either question. Both questions lead to theonomic answers.

2. Scofield and His Revisers

I need to cite Scofield here at considerable length, in order to make clear the nature of the exegetical debate. The exegetical debate centers around the question of the effects of the gospel in history. The dispensationalist assumes that the gospel must fail to transform the world in history, i.e., the era of the church prior to Christ's secret Rapture of the saints and His subsequent physical return to earth to establish an earthly kingdom. This is premillennialism's eschatological presupposition. The failure of the gospel to transform society is supposedly an inescapable prophetic truth: *predestinated by God*.

With this view of church history as his operating presupposition, Scofield then applied it to the interpretation of Matthew 13:33, which reads: "Another parable spake he unto them; The kingdom of heaven is like unto leaven, which a woman took, and hid in three measures of meal, till the whole was leavened." Scofield recognized his primary theological problem in this passage: postmillennialism. So, he devoted his note to a refutation of . . . amillennialism. He had to deflect the jury's attention from the really hard nut to crack in this passage: its postmillennial implications, i.e., the growth of Christ's kingdom in history. Scofield wrote the following convoluted passage:

> That interpretation of the parable of the Leaven (v. 33) which makes (with variation as to details) the leaven to be the Gospel, introduced into the world ("three measures of meal") by the church, and working subtly un-

> til the world is converted ("till the whole was leavened") is open to fatal objection: (1) It does violence to the unvarying symbolical meaning of leaven, and especially to the meaning fixed by our Lord Himself (Mt. 16.6–12; Mk. 8.15. See "Leaven," Gen. 19.3; Mt. 13.33 note). (2) The implication of a converted world in this age ("till the whole was leavened"), is explicitly contradicted by our Lord's interpretation of the parables of the Wheat and Tares, and of the Net. Our Lord presents a picture of a partly converted kingdom in an unconverted world; of good fish and bad in the very kingdom-net itself. (3) The method of the extension of the kingdom is given in the first parable. It is by sowing seed, not by mingling leaven. The symbols have, in Scripture, a meaning fixed by inspired usage. Leaven is the principle of corruption working subtly; is invariably used in a bad sense (see "Leaven," Gen. 19.3, refs.), and is defined by our Lord as evil doctrine (Mt. 16.11,12; Mk. 8.15). Meal, on the contrary, was used in one of the sweet-savour offerings (Lev. 2.1–3), and was food for the priests (Lev. 6.15–17).[20]

Garbled, isn't it? When a Bible expositor writes garbled prose, you can be fairly confident that he is having trouble explaining the text.

Scofield's view is affirmed, though in more readable English, by the *New Scofield Bible*: leaven as evil.

> Leaven, as a fermenting process, is uniformly regarded in Scripture as typifying the presence of impurity or evil (Ex. 12:15,19; 13:7; Lev. 2:11; Dt. 16:4; Mt. 16:6,12; Mk. 8:15; Lk. 12:1; 1 Cor. 5:6–9; Gal. 5:9). The two wave loaves, representing Israel and the Gentiles as forming the Church, contained leaven in recognition of imperfections in the believers (see Lev. 23:17, note). The use of leaven in the three measures of meal seems intended likewise to represent evil within the kingdom of heaven. The teaching that leaven in this parable represents the beneficent influence of the Gospel pervading the world has no Scriptural justification. Nowhere in Scripture does leaven represent good; the idea of a converted world at the end of the age is contradicted by the presence of tares among the wheat and bad fish among the good in the kingdom itself.[21]

Then the editors added an afterthought, one not found in Scofield's original notes. They threw a sop—a single introductory clause—to those Christians who by 1967 desperately wanted to see some influence for good in history as a result of the gospel, that is, as a result of their personal efforts. This brief genuflect in the direction of social concern reflected the beginning of the end for traditional dispensationalism: "*Although Biblical truth has a beneficial moral influence on the*

20. *Scofield Reference Bible*, p. 1016n.
21. *New Scofield Reference Bible*, p. 1015n.

world,[22] the mingling of leaven is not the method of divine salvation or enlargement of the kingdom. Tares never become wheat."[23]

Some questions must be raised at this point. First and foremost, how in the name of Scofield can there be a visible, historically meaningful, beneficial moral influence of the gospel in this world prior to the Rapture? On what basis? Common grace, perhaps? If so, then postmillennialists can use this crucial admission to explain a great many things about the growth of God's kingdom in history. It was postmillennialism above all that Scofield had to refute in his note on Matthew 13:33—the task he discreetly avoided. On the other hand, if this beneficial influence is neither visible nor historically meaningful, why mention it at all? What emotional good would such an impotent influence in the "Church Age" do for one's followers? Why should one's followers care? They did not care in Scofield's day. By 1967, however, the emotional support for dispensationalism's social pessimism had begun to fade. A decade later in the United States, it faded rapidly, when American fundamentalist Christians re-entered the world of politics after half a century of withdrawal.[24]

3. Smoke Screens

An argument found in both Scofield Bibles rests on the undeniable fact that there will still be tares at the end of history. I admit: not everyone will become a Christian. This admission would be a great deal more devastating if there had ever been any theologian in history—let alone an entire school of interpretation—who argued that when Christ returns there will be no one found on earth except born-again Christians.[25] That the Scofieldians thought it worth including

22. Emphasis added.

23. *Idem*.

24. The withdrawal came in 1925, after the defeat in the media of fundamentalist spokesman William Jennings Bryan during the world famous Scopes "monkey trial." The case centered on the teaching of evolution in tax-financed schools below the collegiate level. See George M. Marsden, *Fundamentalism and American Culture: The Shaping of Twentieth-Century Evangelicalism, 1870–1925* (New York: Oxford University Press, 1980), ch. 21.

25. I wrote a book to deal with this very question of wheat, tares, and the final rebellion of Satan's forces at the end of time in a Christianized world: *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987). The answer is remarkably simple: the spread of the gospel increases the common grace of God in history. To gain God's external covenantal blessings, men must obey God's external covenantal laws. Men want these blessings, so they will obey. The external cultural blessings will come, as God has promised (Lev. 26; Deut. 28). The world will be progressively transformed. The rebels therefore have something big to rebel against.

this argument in their notes indicates their need for convenient stick men to refute. Space for notes in a Bible is extremely scarce. It is my contention that an expositor does not waste precious note space in a study Bible in order to refute nonsense unless he is trying to deflect the reader's attention from his own nonsense. He burns stick men in public in order to produce smoke.

The heart of the Scofield notes' argument, however, is the assertion that *leaven always means corruption*. This is a highly dangerous argument. It can very easily sink the theologian who rests his case on it. The familiar logician's tool is true: "A universal negative is refuted by a single positive." Such a positive example unquestionably exists, and our expositors knew this, which is why they refused to cite this key passage in their long list of supposed negative examples: "Besides the cakes, he shall offer for his offering leavened bread with the sacrifice of thanksgiving of his peace offerings" (Lev. 7:13). Leaven was mandated by God for use in peace offerings. How could a symbol of ever-growing evil serve as a sacrifice mandated by a holy God?

4. The Peace Offering

Elsewhere, Scofield offered a note on Leviticus 7:13. He acknowledged that this was a peace offering to God.[26]

> The use of leaven here is significant. Peace with God is something which the believer shares with God. Christ is our peace-offering (Eph. 2.13). Any thanksgiving for peace must, first of all, present Him. In verse 12 we have this, in type, and so leaven is excluded. In verse 13 it is the offerer who gives thanks for his participation in the peace, and so the leaven fitly signifies, that though having peace with God through the work of another, there is still evil in him. This is illustrated in Amos 4.5, where the evil in Israel is before God.

The leaven supposedly represented the evil peace-offerer. The unleaven supposedly represented Christ. This note was reprinted without alteration in the *New Scofield Bible*.

If we take Scofield at his word, then something *symbolically evil* was somehow a *satisfactory offering to God*. What verse could be appealed to in order to substantiate this thesis, namely, that an unclean thing was ever acceptable to God as an Old Covenant sacrifice? The dispensationalists do not attempt to offer such evidence. I cannot imagine

26. *Scofield Reference Bible*, p. 134n. Amos 4:5: "And offer a sacrifice of thanksgiving with leaven, and proclaim and publish the free offerings: for this liketh you, O ye children of Israel, saith the Lord God."

what sort of evidence could be offered. The very context of this passage warns against such a conclusion:

> And the flesh that toucheth any unclean thing shall not be eaten; it shall be burnt with fire: and as for the flesh, all that be clean shall eat thereof. But the soul that eateth of the flesh of the sacrifice of peace offerings, that pertain unto the LORD, having his uncleanness upon him, even that soul shall be cut off from his people. Moreover the soul that shall touch any unclean thing, as the uncleanness of man, or any unclean beast, or any abominable unclean thing, and eat of the flesh of the sacrifice of peace offerings, which [pertain] unto the LORD, even that soul shall be cut off from his people (Lev. 7:19–21).

Even to touch an unclean thing and then eat the peace offering meant excommunication from the congregation. Yet dispensationalists—those writing prior to the 1980s—wanted readers to believe that leaven is exclusively a symbol of evil. But then they turned around and declared that this inherently evil symbol was acceptable to God as the basis of establishing peace with Him. (Those writing after 1980 have yet to replace this obviously untenable line of argument, but at least they no longer defend it.)

The whole point of a peace offering was to admit publicly that the person offering the peace offering was *judicially clean*. His sins had been forgiven. The peace offering was not a required sacrifice for wiping away sin. *It was a voluntary sacrifice that acknowledged that the person's sin had already been wiped away*. It was a public act of covenant renewal.

Nothing was placed on God's fiery altar that was not representationally clean. The sacrifice was a *legal substitute*. It pointed to a future legal substitute, Jesus Christ. To have a judicially impure object on God's altar would necessarily have pointed to the doctrine of Christ's humanity as fallen. Scofield understood this, so he identified the unleavened cakes as the symbol of Jesus Christ. But this approach destroys any doctrine of representation for the leaven. If the peace-offerer was represented by something impure, he had no legal basis for making the peace offering. His sacrifice of leaven would have condemned him publicly if leaven always meant evil exclusively. But if leaven is not always a symbol of evil, how are we to explain it? This is a problem facing all expositors.

G. The Leaven of the Pharisees

What is strange is the fact that within the Reformed tradition, there have been examples of interpretations of Leviticus 7:13 that are simi-

lar to Scofield's. Premillennialist Andrew Bonar[27] wrote in 1846: "His sins are all forgiven; there is peace between him and his God. There is in the worshipper no *uncleanness* now. But this reconciliation does not declare that there is no corruption left remaining in the worshipper. Perfect pardon does not imply perfect holiness. There is a remnant of evil left. But here we see that remnant of evil brought out before the Lord. The '*leavened cakes*' intimate the corruption of the offerer; . . ."[28] Amazingly, Rushdoony followed Bonar's lead.[29] The fact that dispensationalists have not been alert to the covenantal implications of this interpretation is not surprising; that covenant theologians have been equally inattentive to the covenant is very surprising.

Perhaps covenant theologians have been led into the dispensationalist ditch of muddled symbolism because of Jesus' warning regarding leaven of the Pharisees.

> Then Jesus said unto them, Take heed and beware of the leaven of the Pharisees and of the Sadducees. And they reasoned among themselves, saying, It is because we have taken no bread. Which when Jesus perceived, he said unto them, O ye of little faith, why reason ye among yourselves, because ye have brought no bread? Do ye not yet understand, neither remember the five loaves of the five thousand, and how many baskets ye took up? Neither the seven loaves of the four thousand, and how many baskets ye took up? How is it that ye do not understand that I spake it not to you concerning bread, that ye should beware of the leaven of the Pharisees and of the Sadducees? Then understood they how that he bade them not beware of the leaven of bread, but of the doctrine of the Pharisees and of the Sadducees (Matt. 16:6–12).

The disciples, initially committed to popular Jewish hermeneutical literalism and therefore frequently incapable of understanding Jesus' analogies, made a similar mistake. Jesus had to tell them what He meant. He was condemning the leaven of the Pharisees. They recognized that Jesus was talking about the *Pharisees' false doctrine*. The text does not say false doctrine as such, but only the *Pharisees'* false doctrine. The problem today is that modern theologians still have not understood the implications of the disciples' subsequent understanding of Jesus' warning. All leaven is not evil. The Pharisees' leaven was

27. On Bonar's premillennialism, see Iain H. Murray, *The Puritan Hope: A Study in Revival and the Interpretation of Prophecy* (Edinburgh: Banner of Truth Trust, 1971), p. 195.

28. Andrew Bonar, *A Commentary on Leviticus* (London: Banner of Truth Trust, [1846] 1966), p. 132.

29. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 82–83.

evil, so it had to be avoided. There was nothing wrong with leaven as such. It does not symbolize evil as such. Sometimes it symbolizes good, which is why it served as a mandatory peace offering. It symbolizes growth, not evil. Growth in evil is to be avoided; growth in righteousness is to be pursued.

Conclusion

The brief kingdom parable of the leaven in Matthew 13:33 rests on an understanding of leaven as a symbol of growth and continuity, not leaven as exclusively evil. If leaven is understood as exclusively evil, then Satan's kingdom must be viewed as triumphant in church history. This is exactly what premillennialism asserts with respect to the history of the church, i.e., the period prior to Jesus' bodily return to the earth. But the parable identifies the kingdom of heaven as leaven: growth.

We see in the discussion of leaven by dispensationalists an example of how eschatology can influence and even determine exegesis. What the passage speaks plainly about—the kingdom of heaven—the dispensationalist must deny. This is why J. Dwight Pentecost's admission in the latest edition of *Things to Come* is so devastating. He abandoned the "leaven is always evil" exegesis. But it is discouraging to read the discussion of leaven by Bonar and Rushdoony (especially Rushdoony, a dedicated postmillennialist), who retain traces of the older dispensational view of leaven.

Leaven is an inescapable concept in the New Covenant era. Something must grow over time: either good or evil. Let it be good. We must therefore seek to purge the old exegetical leaven of eschatological defeat for the gospel and substitute the new leaven of eschatological victory.

APPENDIX D

GREEK MYTHOLOGY: THE MYTH OF CLASSICAL POLITICS

The great aim of the struggle for liberty has been equality before the law.

F. A. HAYEK[1]

One law shall be to him that is homeborn, and unto the stranger that sojourneth among you.

EXODUS 12:49

The heritage of the biblical covenantal ideal of equality before the civil law made possible Western civilization. This tradition entered the West through the church. It did not come from Classical Greece. The argument that it did is part of the myth that Classical civilization is the foundation of Western liberty. It is one of the more successful myths of the Renaissance and the Enlightenment.[2] Rushdoony identified the origin of the myth: "Greece: The Humanist's Homeland."[3] He began his chapter, "The Unity of the Polis," with this crucial observation: "The importance of Greek thought in Western history cannot be understood by a reading of the works of specialists in the field, because the prevailing approach is neither philosophical nor historical but religious. . . . The majority of scholars turn to Greek culture, not for its own sake, but to find a heritage and a homeland to buttress their anti-Christianity."[4]

1. F. A. Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960), p. 85.

2. For a detailed study of the humanists' continuing fascination with pagan Rome, see Peter Bondanella, *The Eternal City: Roman Images in the Modern World* (Chapel Hill: University of North Carolina Press, 1987).

3. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), p. 67.

4. *Idem*.

A college textbook by F. Roy Willis is typical in its laudatory assessment of the Greeks' legacy to the West: "Athens was an attitude of mind and an achievement of the mind, a unique combination of the physical and the intellectual. And Western civilization owes an important part of its character, perhaps the finest part, to its nourishment for centuries from the Greek achievement that reached its height in Athens."[5]

What the introductory level textbooks invariably neglect to mention is that Athenian male society, like Greek society generally, was favorable toward homosexuality, especially between older men and young teenage boys.[6] Women were known to complain about this, but they had no legal standing. Classical civilization, Greek and Roman, also practiced human sacrifice, a fact known to Lord Acton 150 years ago.[7] This fact was systematically suppressed by the academic world in his day, just as it is today. Slavery was widespread in the classical world, in contrast to the ancient Near East. This fact is downplayed in the textbooks.

In assessing the legacy of the classical world, our model should be Charles Norris Cochrane's *Christianity and Classical Culture*, not Edith Hamilton's *The Greek Way*. We should take seriously Otto Scott's suggestion: Christians should study Classical history and culture, not in order to exaggerate the virtues of Classical civilization, but to understand why it collapsed.[8]

A. The Dual Philosophical Legacy of Greece

This is not to say that there has been no legacy from Greece. There have been two important philosophical aspects of this legacy: rationalism and irrationalism. As with all forms of humanism, the two are in fact one: the inescapable dialecticism of all of autonomous man's speculations.[9] One side is the legacy recorded in the textbooks; the other has been recorded in obscure monographs. The textbooks downplay the religious side of the Greeks by discussing the myths of Olympus as if

5. F. Roy Willis, *Western Civilization: An Urban Perspective*, 2 vols., 3rd ed.. (Lexington, Massachusetts: Heath, 1981), I, p. 53.

6. Hans Licht (pseud.), *Sexual Life in Ancient Greece*, trans. J. H. Freese (New York: AMS Press [1932] 1972), pp. 411–98; Robert Flacelière, *Love in Ancient Greece* (New York: Crown, [1960] 1962), ch. 3. There is today a scholarly journal called *The International Journal of Greek Love*. It prints articles on Greek homosexuality on a regular basis.

7. John Emerich Edward Dalberg-Acton, "Human Sacrifice"(1863), *Essays in Religion, Politics, and Morality, in Selected Writings of Lord Acton*, 3 vols. (Indianapolis, Indiana: LibertyClassics, 1988), III, pp. 395–442.

8. Otto Scott, "The Distortions of Classicism," *Chalcedon Report* (Sept. 1992), p. 3.

9. Cornelius Van Til spent his career exposing this humanist dialecticism.

they were fairy tales that no influential Greek ever believed. This was in fact the case; there is little evidence that anyone in authority took seriously the Olympian myths except as political rituals. The Olympian gods were political creations: gods that the families of a city-state might formally worship. Without formal worship and collectively celebrated rites, there could be no civil law in Classical civilization.[10]

1. Academic Blackout: Occult Greece

The textbooks ignore almost entirely the demonic side of Greek religion, the dark, fearful, awesome side: the gods of the underworld. Both legacies were recovered by the Renaissance, but the occult side of the Renaissance is also the province of obscure monographs—though more of them today than existed in 1960. Ever since 1965, as the West has been invaded by Eastern mysticism and popular occultism, this neglected Greek legacy has begun to receive some academic attention, but the full story is still not found in the introductory textbooks, four decades later.

The supreme primary source of the rational side of the legacy is Plato's version of Socrates. While few people ever read Plato's major work, *The Republic*, and fewer still his other dialogues—which were not dialogues but were in fact monologues thinly disguised as dialogues—the rationalist side of Socrates has become legendary. Not many people know that Athens convicted Socrates of false religion—his appeal to occult gods: "Socrates is guilty of crime, because he does not believe in the gods recognised by the city, but introduces strange supernatural beings; he is also guilty, because he corrupts the youth." He was convicted by a majority of 60 votes in a jury of 501 men.[11] Bury, the great historian of Greece, offered this highly conventional assessment of Socrates' legacy:

> When the history of Greece was being directed by Pericles and Cleon, Nicias and Lysander, men little dreamed either at Athens or elsewhere that the interests of the world were far more deeply concerned in the doings of one eccentric Athenian who held aloof from public affairs. The work of Pericles and Lysander affected a few generations in a small portion of the globe; but the spirit of that eccentric Athenian was to lay an impress, indelible forever, upon the thought of mankind. The ideas which we owe to Socrates are now so organically a part of the mind of civilised men, so familiar and commonplace, that it is hard to appreciate the intellectual

10. Fustel de Coulanges, *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* (Garden City, New York: Doubleday Anchor, [1864] 1955).

11. J. B. Bury, *A History of Greece* (New York: Modern Library, [1913]), p. 565.

> power which was required to originate them. Socrates was the first champion of the supremacy of the intellect as a court from which there is no appeal; he was the first to insist, without modification or compromise, that a man must order his life by the guidance of his own intellect, without any regard for mandates of external authority or for the impulses of emotion, unless his intellectual [*sic*] approves. Socrates was thus a rebel against authority as such; and he shrank from no consequences.[12]

This assessment is conventional but ultimately erroneous. It neglects the irrationalist and mystical side of Socrates. He believed that a god (daimon) had spoken to him all of his adult life, telling him what to avoid.[13] The conventional textbook assessment also places Socrates in the category of a rebel against authority as such. To the extent that Plato accurately reflected Socrates' viewpoint, Socrates was not a man at war against authority; he was a man in favor of displacing the existing authority with a new tyranny so powerful that it involved systematic lying, total state control over education, and communism for political leaders. When philosopher Karl Popper devoted the first volume of *The Open Society and Its Enemies*[14] to an analysis of Plato as a mystic and a totalitarian, he did the academic world a great service—one which gained him the lasting hostility of Plato's many modern disciples.

The textbooks are filled with the legacy of Greek rationalism. Greek irrationalism is seldom mentioned, let alone emphasized.[15] Students are given the stories of the Olympian gods. They are not told that these gods were politically constructed composites of a darker realm: gods of the underworld, the *chthonic* gods of Greece. These animistic gods were believed to inhabit the fields of every household, threatening hauntings and revenge against any male head of household who failed to maintain the proper rituals and sacrifices. A wife was assigned the task of keeping the household hearth-altar burning, from which we derive the phrase, "keep the home fires burning." The study of these gods has been confined to academic specialists—one might

12. *Ibid.*, p. 561.

13. In the *Apology* 31, he said: "You have heard me speak at sundry times and in divers places of an oracle or sign which comes to me, and is the divinity which Meletus ridicules in the indictment. This sign, which is a kind of voice, first began to come to me when I was a child; it always forbids but never commands me to do anything which I am going to do. This is what deters me from being a politician." *The Dialogues of Plato*, translated by B. Jowett, 2 vols. (New York: Random House, [1892] 1937), I, p. 414.

14. Karl R. Popper, *The Open Society and Its Enemies*, 2 vols., 4th ed.(Princeton, New Jersey: Princeton University Press, 1963). It was first published in 1945.

15. An exception is the monograph by E. R. Dodds, *The Greeks and the Irrational* (Berkeley and Los Angeles: University of California Press, 1951).

call them eccentrics—in fields such as archeology and art history. The detailed researches of Cambridge University archeologist Jane Ellen Harrison and her disciples in the early decades of the twentieth century are known to very few historians.[16] Some of these books appeared in the United States only when University Books, a publishing house specializing in reprints of scholarly materials related to the occult and the paranormal, and its adjunct Mystic Arts Book Club, reprinted them in the early 1960s.[17] References to these extraordinary materials rarely appear even in specialized monographs on classical civilization.

Has this blackout been deliberate? Yes. Those scholars who have known the truth have generally kept their mouths shut. Consider Werner Jaeger, author of the multi-volume masterpiece on Greek education, *Paideia*. Hugh Nibley, the remarkable Mormon scholar and linguist, studied under him at the University of California at Berkeley in the 1930s. In an autobiographical essay, Nibley told of his studies in Hebrew and Arabic (he could learn a new language in a few weeks). "The most illustrious visiting scholar of the time was Werner Jaeger, who favored me with long chats and frank revelations over the teacups (my refusal to drink the stuff made an indelible impression on him and his wife). Professor Jaeger knew very well, he told me, that the Greeks were part of a wider Oriental complex, but he had to bypass all that in his study of the Greek mind, because it tended to disturb the neatness and balance of his great work on Greek Education."[18] That "wider Oriental complex" was both mystical and occult, as Jaeger well knew. It was a powerful underground stream in both Greek and Renaissance philosophy, and without which both would have dried up.[19] The two traditions were united on one presupposition: man is the creator in history.

2. Academic Blackout: The Renaissance

A similar academic blackout has operated with respect to the Renaissance's recovery of Greek culture. The rational side of the Renais-

16. Jane Ellen Harrison, *Prolegomena to the study of Greek Religion*, 3rd ed. (Princeton, New Jersey: Princeton University Press, [1922] 1991). The first edition appeared in 1903.

17. Harrison, *Epilogomena to the Study of Greek Religion* (1921) and *Themis: A Study of the Social Origins of Greek Religion* (first edition, 1912; third, 1922), (New York: University Books, 1962). John Cuthbert Lawson, *Modern Greek Folklore and Ancient Greek Religion* (New York: University Books, [1910] 1964).

18. Hugh W. Nibley, "An Intellectual Autobiography," in *Nibley on the Timely and the Timeless: Classic Essays of Hugh W. Nibley*, vol. 1 (Religious Studies Center, Brigham Young University, 1978), p. xxiii.

19. Thomas Molnar, *God and the Knowledge of Reality* (New York: Basic Books, 1973).

sance is the textbook account. Only since the mid-1960s has the occult side been rediscovered. The major figure in this reconsideration of the occult side of the Renaissance has been Francis Yates, who held no academic position in the British university system during her years of publishing.[20] Stephen McKnight's 1989 monograph on Renaissance thought is to the point: recent studies of the Renaissance have made mandatory a reconsideration of the origins of modernity. Secularization, the main theme, must be complemented by its opposite, sacralization. It was not just the secular tradition of Classical civilization that Renaissance scholars revived; it was also the magical-mystical side. Professor McKnight wrote: "In addition to the humanist revival of the *studia humanitatis*, the Neoplatonists rediscovered the *prisca theologia*. These materials, which were regarded as the earliest and purist non-Christian revelations, led Ficino and his followers to a new understanding of human nature. *Sacralization* is the term used to characterize this view of man as a terrestrial god capable of controlling the natural world and perfecting society."[21] None of this was taught in my undergraduate days in the early 1960s, and it is still not in the Western Civilization textbooks.

B. The Standard of Written Law

We come now to another representative example of conventional scholarship's assessment of the legacy of Greece. Bruno Leoni, a professor of both legal theory and political science at the University of Pavia, offered this bit of Greek mythology: "The ideal of a written law, generally conceived and knowable by every citizen of the small and glorious towns scattered all along the coasts of the Mediterranean Sea and inhabited by people of Greek descent, is one of the most precious gifts that the fathers of Western civilization have bequeathed to their posterity."[22] He then cited Aristotle as one source of this legal tradition.[23]

This is propaganda, not historical scholarship. First, there were

20. Her best-known work is *Giordano Bruno and the Hermetic Tradition* (New York: Vintage, [1964] 1969). Cf. Yates, *Theater of the World* (Chicago: University of Chicago Press, 1969); *The Rosicrucian Enlightenment* (New York: Methuen, 1986); *The Occult Philosophy in the Elizabethan Age* (New York: Methuen, 1983); *Collected Essays*, 3 vols. (London: Routledge & Kegan Paul, 1984).

21. Stephen A. McKnight, *Sacralizing the Secular: The Renaissance Origins of Modernity* (Baton Rouge: Louisiana State University Press, 1989), p. 109.

22. Bruno Leoni, *Freedom and the Law* (Princeton, New Jersey: Van Nostrand, 1961), pp. 73–74.

23. *Ibid.*, p. 74.

comparatively few citizens in any of those Greek towns. Classical legal theory established separate legal orders for citizens, resident aliens, women, and slaves. Only citizens—males who could lawfully participate in the religious rites of the city—possessed legal rights.[24] At least one-third of the population was composed of slaves.[25] This is a vastly higher percentage than anything in the ancient Near East.[26] In all Greek and Roman establishments larger than the family, manual labor was done by slaves.[27] The written law did not defend their liberty. The principle of written law may have helped citizens, but it gave little protection to the majority of residents.

From the point of view of the slaves, the Greeks' defeat of Darius' Persian army in 490 B.C. at the battle of Marathon was a disaster. So was the defeat of Xerxes' fleet at the battle of Salamis in 480. Liberation from slavery had been imminent. The textbooks never consider this possibility. The Greeks are viewed as defenders of liberty and culture; the Persians are seen as barbarian tyrants. But Persia allowed the Israelites to return to their land and worship God openly (Ezra, Nehemiah). Christian students seldom connect the two accounts. It is as if the Persians were two different societies: one tolerant (the biblical account) and the other barbarian (the Greek version).

Second, the principle of a written body of law that is knowable to all residents of a commonwealth had been the gift of God to Israel over a millennium before Aristotle taught political philosophy to the world-class conqueror Alexander the Great. God inscribed His law on tablets of stone—a graphic way of communicating the principle of written law. The Mosaic law required that every seventh year the entire law be read to the assembled nation: men, women, children, and resident aliens (Deut. 31:10–13).[28] To argue that Aristotle was the source of this tradition in the West is nothing short of ludicrous. It is, however, typical of humanist scholarship.

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24. On this point, see Fustel, *Ancient City*, Bk. III, chaps. XI–XII. Leoni dismisses Fustel's observation on the Greek concept of freedom as being fundamentally different from ours. Fustel has been "successfully revised in recent times," Leoni said, but he offers no footnotes to prove his point (p. 79).

25. M. I. Finley, *Ancient Slavery and Modern Ideology* (New York: Viking, 1980), p. 80. It was one-third in Athens: A. H. M. Jones, "Slavery in the Ancient World," Economic History Review, Second Series, IX (1956), p. 187.

26. Isaac Mendelsohn, *Slavery In the Ancient Near East* (New York: Oxford University Press, 1949), p. 119.

27. Finley, *Ancient Slavery*, p. 81.

28. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 75.

Written law in Greece, yes. Freedom? Not for many and not for long. Political success in Athens was based on a man's ability as a public speaker. This led to the rise of the Sophists, who sold the skills of rhetoric to the highest bidders—the superlawyers of their day. Historian Morton Smith wrote that "Athenians were litigious, and any man might find himself compelled to argue for his fortune, if not his life, before a court of several hundred of his fellow citizens. It was necessary to speak for oneself, though a writer might be hired to prepare the speech. By their studies of rhetoric, argument (whence logic), and grammar, the sophists laid the basis of Greek higher education, from which was to come the mediaeval university program. By their immediate teaching, however, they—intentionally or unintentionally—obscured the traditional patterns of Greek morality and raised up a generation of skeptics prepared to argue for any action which seemed to their own interest."[29] Otto Scott is even more to the point: "These *sophistae* (teachers of wisdom) taught young adults, for the first time in history. They charged enormous sums: Protagoras demanded 10,000 drachmas ($100,000—or the equivalent of a modern university [education]) for the education of a single pupil. The Sophists introduced civilization's first 'enlightenment' which questioned tradition, religion, morals and all values."[30] In short, they were the law school professors of their day: they undermined moral law.

The decline of traditional morality, accompanied by increasing Athenian wealth and political power, led the city into a series of military confrontations with Sparta, culminating in the Peloponnesian war, beginning in 431 B.C., a war that Athens lost. It was in this period of defeat and despair that Athens executed Socrates in 399 B.C. He had been perceived by many critics as a Sophist. They were essentially correct: he was, in fact, a sophisticated dialectician who defended the existence a hypothetical realm of absolute knowledge, but also insisted that no one, including himself, had been able to enter it—a sophist's ploy if there ever was one. He was also a political authoritarian.[31] In terms of his philosophical undermining of Greek religion, the Athenians' perception of Socrates was correct. He was guilty as charged. (He was also a defender of pederasty with adolescents, but that did not bother Athenians any more than it bothers his apologists today.)[32]

29. Morton Smith, *The Ancient Greeks* (Ithaca, New York: Cornell University Press, 1960), p. 72.

30. Otto Scott, "The Death of Socrates," *Chalcedon Report* (Aug. 1991), p. 3.

31. Popper, *Open Society*, vol. 1, *The Spell of Plato*.

32. Plato, *Symposum*, sections 181–82.

C. Demythologizing the Greeks

War characterized Greek life as much as democracy and written law. War was a way of life, especially among the smaller city-states.[33] This includes civil wars, which were frequent outside of Athens and Sparta.[34] Then there was judicial and cultural inequality. The world-renowned Classical historian Moses Finley wrote: "In this society of unequals, the elite who dominated all activities, political, military, athletic, and cultural, constituted a single group. . . . The acceptance by 'the many' of this perpetual domination by 'the few' is a significant fact in classical Greek history, even in Athens during its most democratic period, from the time of Pericles to the time of Alexander the Great."[35]

Something else also characterized Greek political life: the absolute power of the state. There was no appeal beyond it. Finley has accurately summarized the nature of Greek politics: "In political terms, the power possessed by the community was total. That is to say, within the limits imposed by 'rule of law', however that was understood, and by certain taboos in the fields of cult and sexual relations, the sovereign body was unrestrictedly free in its decision-making. There were areas or facets of human behaviour in which it normally did not interfere, but that was only because it chose not to, or did not think to do so. There were no natural rights of the individual to inhibit action by the state, no inalienable rights granted or sanctioned by a higher authority. There was no higher authority."[36]

1. The Legacy of Pericles

To prove his case for Greece as a major source of Western legal theory, Leoni cited Pericles' funeral oration of 430 B.C., which was eloquent in its defense of the political freedom of Athenian citizens.[37] This oration was wartime rhetoric from Athens' senior politician, delivered in the first year of the war with Sparta. This speech is regarded as one of the classic documents in Western civilization. The textbooks laud both Pericles and his speech (as reconstructed by Thucydides). Rarely are students told what followed. A year after Pericles gave his famous speech, a great plague hit maritime Athens,

33. M. I. Finley, "Introduction," *The Legacy of Greece*, ed. M. I. Finley (Oxford: Clarendon Press, [1981] 1988), p. 15.
34. Finley, "Politics and Political Theory," *ibid.*, p. 25.
35. Finley, "Introduction," *ibid.*, p. 15.
36. Finley, "Politics," *ibid.*, pp. 26–27.
37. Leoni, *Freedom and the Law*, p. 78.

though hardly at all in Sparta and the inland cities of the Peloponnesian alliance,[38] and this led to the destruction of Athenian civil religion and personal morality.[39] Pericles' two sons died in the plague. Athens then sought peace with Sparta, which Sparta rejected. Pericles was suspended from his post and put on trial for a minor offense. He was subsequently re-elected to the post, having eloquently defended the necessity of empire, especially since the other city-states regarded it as immoral; it was too risky to quit now, he warned them. They responded to his call, and Athens' imperial war raged on. He died a year later.[40] The war continued for the next 25 years. Sparta won. Some Periclean legacy!

The rule of written Athenian law may have applied within the city, but not beyond its borders. Whenever it was regarded as necessary to extend Athenian control, Athenians ruthlessly suppressed the liberties of the lesser cities of the Athenian empire (the Delian League), which lasted from 478 B.C., the year after the second Persian invasion was repulsed by the allied city-states, until 404 B.C., when Athens was defeated by Sparta. For example, under Pericles' political leadership in 454 B.C., Athens moved the League's treasury from Delos to the Athenian Acropolis. This was done in the name of a required religious payment to Athena, Athens' official goddess. The records indicate that one-sixtieth of the funds collected were registered as payments to the goddess.[41] Some of these funds were then siphoned off to help finance Athens' gigantic public works construction programs: the famous statues and architectural glories of Periclean Athens. Bury admitted that it was bad imperial politics for Athens to extract these funds, however minimal, from the other cities in the league.[42] When challenged by Thucydides regarding this policy, Athens voted to ostracize Thucydides, thus ending any significant political opposition to Pericles. The voters were swayed by Pericles' argument that the

38. Bury, *History of Greece*, p. 390.

39. Thucydides wrote: "No one was eager to persevere in the ideals of honour. . . . They thought that it made no difference whether they worshipped God or not, as they saw all alike perishing; no one expected to live to be brought to trial for his offences, but each felt that a far severer sentence had been already passed upon them all and hung ever over their heads, and before this fell it was only reasonable to enjoy life a little." Thucydides, *The History of the Peloponnesian War*, edited in translation by Sir Richard Livingstone (New York: Oxford University Press, 1943), II:53, p. 122.

40. Bury, *History of Greece*, p. 391.

41. J. K. Davies, *Democracy and Classical Greece* (Atlantic Highlands, New Jersey: Humanities Press, 1978), p. 78.

42. Bury, *History of Greece*, p. 356.

other cities had nothing to say about it, just so long as Athens defended them. The League's members supposedly had no right to interfere with the allocation of these funds, however large or small.[43] No accounting to the cities was necessary. In effect, this was a form of forced tribute to Athens. Athens also forced the other cities to withdraw their coinage and substitute Athenian coins.[44] Athens sent "inspectors," established garrisons, and sent small colonies of Athenians to the subject cities.[45] Yet Periclean Athens supposedly was the source of the ideal of written civil law in the West. So said Professor Leoni. He has not been alone in this opinion.

It was this growing Athenian empire that led Sparta into its own confederation. The city-states of Greece deeply resented Athens' violations of their religious and legal autonomy. Historian David Greene summarized the fundamental issue raised by Athenian tyranny: "By what right had Athens virtually obliterated the external autonomy of the various states which had originally joined her League of Delos against the menace of a recurrent Persian invasion? This was the outspoken question or indignant charge put by every state outside the Athenian sphere of influence. . . . There is no doubt that, in exercising control over the external affairs of her confederate allies, Athens was outraging the accepted code of international Greek morality as it had existed from before the Persian wars."[46]

Thucydides explained the growth of the Athenian empire as a kind of natural or inevitable force rather than as one city's blatant grab for centralized power, but his words did not make it so. His explanation does, however, closely fit the presuppositions of modern historians and political theorists, who see the march of democracy and the rise of a secular one-world state as intertwined events. They love Thucydides. He seems so much like one of them.[47] So does Thucydides' version of Pericles, who has become a kind of precursor to U.S. President Franklin D. Roosevelt in the eyes of modern American scholars. Greene's description of Pericles deserves wider circulation: "Yet the democracy whose dynamic was greed and fear and whose might was the offspring of that greed and fear was held in check by a single au-

43. *Idem*.
44. Davies, pp. 87–88.
45. *Ibid*., pp. 88–90.
46. David Greene, *Greek Political Theory: The Image of Man in Thucydides and Plato* (Chicago: University of Chicago Phoenix Book, [1950] 1965), p. 43. Originally published as *Man in His Pride: A Study in the Political Philosophy of Thucydides and Plato*.
47. He was no democrat; he preferred oligarchy. *Ibid*., pp. 54–55.

tocrat whose rule it accepted because he was not as other men were. In this voluntary acquiescence of the vulgar, in this submission to the statesman who neither flattered nor feared them but who put heart into them or made them tremble with the witchcraft of his own aloof certainty. Thucydides may have seen the transcendence of the materialism in which he believed. Here was power as it truthfully was, based on fear, pride, and greed, yet it touched something too magical for measurement."[48]

The political reality undergirding Pericles' rhetorical flourish did not survive the fall of Athens to Sparta, and the fall of both to Macedonia over the next 75 years. Academic defenders of this classic Greek mythology need to demonstrate the connection between (1) what a handful of Greek philosophers, mostly followers of Socrates, believed about civil law in the fourth century B.C., during which "Greece's" (Athens') relatively brief experiment with democracy was rapidly fading, and (2) the historical reality of Greek law in the city-states. The connection does exist, but it is publicly embarrassing for most defenders of Greek democracy—politically incorrect, we might say. One thing is certain: the Athenians of Socrates' day had very little in common with him and his students. Aristophanes' comedy, *The Clouds*, had Athenians howling derisively at the antics of Socrates and members of his academy. They condemned him to death in 399 B.C.

Yet there was a crucial connection between Athenian politics and Socratic political theory—something the textbooks always fail to mention. They shared a political opinion, as Finley has so accurately pointed out: *political man, irrespective of the desires of the gods, can do whatever he can get away with*.[49] There was no infallible revelation, written or verbal, in Greek religion.[50] Political man therefore had to fear other men, not the gods. Athens feared Socrates, whose commitment to Athenian citizenship was so strong that he preferred hemlock to exile.[51] This presupposition of unbounded political authority is what connects the Athenian Greeks with today's disciples of human autonomy and political salvation.

48. *Ibid.*, p. 92.

49. Finley, "Politics and Political Theory," pp. 23–24.

50. *Ibid.*, p. 24.

51. Contrary to Plato's immortal but second-hand account at the end of the Phaedo dialogue, hemlock burns the mouth and abdomen. Nausea and vomiting are common. Hemlock drinkers do not wax philosophical as they slowly fade away. See William B. Ober, *Boswell's Clap and Other Essays* (New York: Harper & Row, 1988), ch. 10; cited by Otto Scott, "The Death of Socrates," *Chalcedon Report* (Aug. 1991), p. 4.

Modern textbooks fail to mention the following two facts. First, it was not Socrates who persuaded the Greeks of this political worldview; he merely shifted its basis of authority from political tradition to political philosophy. Second, authors fail to admit openly that their textbooks are written in terms of this same philosophy of autonomous man, and usually also in terms of political salvation: the corporate healing power of politics. All of the other supposed connections between classical Greece and the modern world—judicial, analytical, or aesthetic—are either fanciful or else subordinate applications of the presuppositional one: political man is autonomous, and man is fundamentally political.

2. The Judicial Legacy

Leoni did not bother to show how the Greek legal tradition was passed along to the Christian West. Contrary to Leoni, the Greeks of Periclean Athens left no judicial legacy to the West. Historian Joseph R. Strayer wrote: "But whatever their constitution, they did not develop a legal tradition that persisted in the West. The Greeks were deeply concerned with law, but since each small community had its own laws, tailored to fit the needs of that community, it was hard to develop general principles applicable to all of the Greek-ruled areas. By the time that the Greeks had developed such principles, they had been swallowed up by the Hellenistic monarchies, which, in turn, were swallowed up by Rome."[52]

Bury wrote much the same thing: contrary to Pericles' funeral oration, Athens did not become the school of Greece until after the collapse of the empire. Athens became influential through its philosophers and through its new position as a clearing house of cosmopolitan influences—in short, through its Hellenism. In fact, he argued, Athens had more influence through its theater than through anything else.[53] It was Hellenism, with its cosmopolitanism, that produced the famed Athenian individualism. The Athenian's covenantal bond to his city—his *polis*—had been broken. "The citizen of Athens has become a citizen of the world."[54] That is to say, he had become no citizen at all—no civic oath, no democratic sanctions, and no political or judicial legacy to pass on to posterity. Instead, he and his peers, to the extent

52. Joseph R. Strayer, "The Rule of Law," in *Aspects of American Liberty: Philosophical, Historical, and Political* (Philadelphia: American Philosophical Society, 1977), p. 17.

53. Bury, *History of Greece*, p. 560.

54. *Ibid.*, p. 561.

that they left a judicial legacy to the future, did so by abandoning their inheritance from the past: the judicial ideal of the *polis*. The politically minded intellectuals among them—and there were fewer and fewer of them as the fourth century progressed—adopted a new ideal.

D. Stoic Natural Law Theory

This later Hellenistic intellectual development was Stoic natural law philosophy, which was the product of the collapse of the Greek city-states. Natural law theory was not the foundation of Athenian democratic politics. Stoic natural law theory was used to justify the new world empires of Macedonia and Rome. The Stoic concept of the rule of universal law was exclusively philosophical, not judicial. The foundation of Stoic philosophy was a denial of the Creator-creature distinction. Its outlook was summed up by Epictetus: "When a man has learnt to understand the government of the universe and has realized that there is nothing so great or sovereign or all-inclusive as this frame of things wherein man and God are united . . . why should he not call himself a citizen of the universe and a son of God?"[55]

Stoicism offered no basis for political theory. Stoic man, as a citizen of the universe, did not regard participation in politics as the means of maintaining his universal citizenship. This citizenship was granted to him by natural law. Wolin has identified the elitism of such a view of citizenship, "a kind of invisible church of rational beings."[56] Wolin cited the Stoic emperor (and persecutor of the church),[57] Marcus Aurelius, who defended the existence of common reason, common law, and common citizenship. This rational ideal became the foundation for empire, a one-world state and one-state world: "For of what other common political community will any one say that the whole human race are members?"[58]

Citing the same passage, C. N. Cochrane was even more forthright regarding the pretensions of this absolute religion of reason: "In point of fact, it constitutes an audacious anthropomorphism, a kind of sky-writing[59] which projects upon the cosmos a merely human

55. Epictetus, *Discourses*, I:9; cited by Sheldon S. Wolin, *Politics and Vision: Continuity and Innovation in Western Political Thought* (Boston: Little, Brown, 1960), p. 80.

56. Wolin, *Politics and Vision*, p. 80.

57. Justin Martyr died under his reign.

58. *Idem*.

59. An advertising device of the 1930s and 1940s in which a small airplane, spewing white smoke, would spell out words in the sky. In the 1939 movie, *The Wizard of Oz,* there is a scene where the witch sky-writes *Dorothy* in black smoke from her broom.

rationality and translates it into an account of nature and of God."[60] Stoic natural law theory was a pagan attempt to restructure the universe in terms of man's reason. It was the antithesis of biblical law, which places man under God's absolute sovereignty, mediated by His revealed law. Stoicism's command was "follow nature."[61] This means following autonomous reason.[62] In contrast, the Bible's command is "follow God" by obeying His law. By following nature, Classical man found himself divided, for nature was seen as an unstable combination of chance and luck on the one hand and impersonal necessity and fate on the other.[63] He was trapped either by the non-politics of anarchy or the submissive politics of passivity. In contrast, by following God by obeying His law, Christian man attaches himself judicially (covenantally) to the sovereign Creator of the universe in whom there is neither chance nor impersonal fate. The politics of justice becomes both a possibility and a moral imperative.

E. The Medieval Synthesis

The West derived its crucial judicial ideal of equality before the law from the Bible. Much later, in medieval legal theory, Roman jurisprudence (especially in the writings of the twelfth-century canon lawyers, the Decretists),[64] Aristotelian philosophy (especially in Aquinas: *d.* 1274), and Stoic natural law theory were added to justify this biblical ideal. But Western legal theory today denies the original theological foundation which undergirded the explicitly biblical idea of equality before the law: specially revealed law.

Under the influence of Greek philosophy, especially Stoicism, and Roman law, a new guild of Western legal theorists appeared in the twelfth century. They were early academics. They moved from the acceptance of customary tribal laws (civil) and penitential law (ecclesiastical) to the ideal of universal natural law in the guise of a revival of Roman imperial law.[65] This judicial transformation was accompanied

60. Charles Norris Cochrane, *Christianity and Classical Culture: A Study of Thought and Action from Augustus to Augustine* (New York: Oxford University Press, [1944] 1957), p. 167. Reprinted by Liberty Press.

61. *Ibid.*, p. 165.

62. *Ibid.*, p. 166.

63. *Ibid.*, pp. 158–59.

64. Brian Tierney, *Religion, law, and the growth of constitutional thought, 1150–1650* (New York: Cambridge University Press, 1982), ch. II. They were called Decretists because they were commentators on *Gratian's Decretum* (*Concord of Discordant Canons*, c. 1140).

65. Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983).

by a parallel development among philosophers: an attempted fusion of the Greek concept of autonomous reason and the biblical ideal of God's revealed law. Scholasticism promised that Classical wisdom would be tamed by Christianity. But the conquest of Classicism by Christianity was not to be; the reverse was increasingly the case in intellectual affairs. Rationalist heresies invaded the universities, and they could not be removed.[66] Bolgar is correct: "Men found that they could not simply sort out the good and the bad, to treasure the former and discard the latter."[67]

Scholasticism's philosophical synthesis was inherently both epistemologically and ethically unstable, and from the fourteenth century onward, it steadily disintegrated. Scholasticism left the church vulnerable to William of Ockham's nominalist dualism between reason (with authority over the realm of civil affairs and science) and revelation (with authority confined to the soul and the cloister).[68] Professor Eta Linnemann, a former defender of the higher criticism of the Bible and a new convert to the faith, described scholasticism's attempted fusion of the Bible and Greek philosophy:

> Scholasticism undertook 'to bring the new rational knowledge into agreement with the articles of faith'—an effort which set the tone for all the theological exertions of the High and Late Middle Ages. But it had made a weighty and fateful decision! Instead of bearing in mind that all the treasures of wisdom and knowledge lie hidden in Christ (Col. 2:3), it was assumed that man requires the worldly wisdom of paganism right alongside God's Word in order to make real intellectual progress. God's Word was reduced to just one of two focal points for determining wisdom and knowledge. The Bible came to be regarded as authoritative only in those areas touching on redemption and the Christian life. Aristotle, in contrast, became the source of all valid knowledge of the world, that is, for the realm of natural sciences, social analysis, and so on. From then on, in other words, God's Word was no longer regarded as reliable for these areas of knowledge. Later, Aristotelian philosophy would be replaced by newly developed sciences that hastily blamed the cosmological errors of Aristotle on God's Word.[69]

66. Friedrich Heer, *The Medieval World, 1100–1350* (New York: World, [1961] 1962), chaps. 9, 10.

67. R. R. Bolgar, *The Classical Heritage and Its Beneficiaries: From the Carolingian Age to the End of the Renaissance* (New York: Harper Torchbooks, [1954] 1964), p. 205.

68. Gordon Leff, *Bradwardine and the Pelagians* (New York: Cambridge University Press, 1957).

69. Eta Linnemann, *Historical Criticism of the Bible: Methodology or Ideology?*, trans. Robert W. Yarbrough (Grand Rapids, Michigan: Baker Book House, 1990), p. 24.

F. The Modern Savior State

Natural law theory became secularized in the seventeenth and eighteenth centuries. From this secularized version of natural law theory in the late eighteenth century the West's constitutional theory moved to *positive law*: law as the voice of the sovereign People, as interpreted by officials of the state. But positive law has long been regarded as sovereign only within national boundaries. Traces of natural law theory have survived only in international law theory, which has few agreed-upon sanctions and is seldom honored by the more powerful nations when cases go against them. International law had no common agent of enforcement until the twentieth century. International order is today seen as an evolutionary development, not as the culmination of fixed principles of natural law.[70] The moral and institutional demands of the internationalists are therefore unbounded and open-ended.[71] President John F. Kennedy stated the following messianic premises forthrightly in 1961 at the memorial service of Dag Hammarskjold, the deceased Secretary General of the United Nations: "Political sovereignty is but a mockery without the means of meeting poverty and illiteracy and disease. Self-determination is but a slogan if the future holds no hope."[72] The judicial link between political sovereignty and positive sanctions of physical and intellectual healing is explicit in

70. "International *organization* is a process; international *organizations* are representative aspects of the phase of that process which has been reached at a given time." Inis L. Claude, Jr., *Swords Into Ploughshares: The Problems and Progress of International Relations*, 2nd ed. (New York: Random House, 1959), p. 4.

71. The New World Order, incarnated judicially in the League of Nations and then the United Nations, was proclaimed throughout the twentieth century by various humanists. This international legal order has not been defended theoretically in terms of natural law theory—which limits the state—but rather in terms of either the needs of man, which are inherently unlimited, or national self-interest, which is left undefined. Write two academic defenders of the United Nations regarding the failure of the League of Nations: "Yet for a decade and a half people throughout the world looked to the League as the instrument by which it might be possible to establish peace and stability in the world and to assist mankind in its uneven progress toward greater freedom and happiness." Leland M. Goodrich and Edvard Hambro, *Charter of the United Nations: Commentary and Documents*, 2nd ed. (Boston: World Peace Foundation, 1949), p. 3. Peace and stability, progress and happiness: these are unbounded goals. Wrote a prominent academic defender of international political order: "International organizations exist simply because they are needed; we belong to them simply because it serves our national interest to belong—and because it would damage our national interest to remain aloof." Richard N. Gardner, *In Pursuit of World Order: U.S. Foreign Policy and International Organizations* (New York: Praeger, 1964), p. xi.

72. John F. Kennedy, "An Address to the United Nations" (Sept. 25, 1961), in *The United States and the United Nations*, ed. Franz B. Gross (Norman: University of Oklahoma Press, 1964), p. 283.

Kennedy's statement; unless the state can heal, it has no legitimacy. *The state must become a savior*.

The issue is therefore final sovereignty. The international state becomes King of kings. In the absence of a higher court, the final earthly court of appeal necessarily must claim divine sovereignty, i.e., *divine right*: the final word beyond which there is no meaningful earthly appeal in history. The world state becomes the voice of authority. Today, this means the divine sovereignty of politics. This has been the career of natural law theory in the West: from the divine sovereignty of natural law to the divine sovereignty of politics—the voice of the people. President George H. W. Bush announced to the U.S. Congress in the fall of 1990:

> A new partnership of nations has begun.
>
> We stand today at a unique and extraordinary moment. The crisis in the Persian Gulf, as grave as it is, also offers a rare opportunity to move toward an historic period of cooperation. Out of these troubled times, our fifth objective—a new world order—can emerge: a new era, freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace. An era in which the nations of the world, east and west, north and south, can prosper and live in harmony.
>
> A hundred generations have searched for this elusive path to peace, while a thousand wars raged across the span of human endeavor. Today that new world is struggling to be born. A world quite different from the one we've known. A world where the rule of law supplants the rule of the jungle. A world in which nations recognize the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak.[73]

The Messianic State becomes covenant-breaking man's hoped-for lord and savior. Whenever it appears in history, the biblical concept of freedom is put on the defensive. But the Messianic State creates a series of problems that are unsolvable, given the presuppositions of autonomous man. Strayer has sketched some of the dilemmas of modern salvational politics, from the Renaissance to today. We are headed, he said, toward the breakdown in law, but in the name of law.

> As in the sixteenth century, the state is intervening in areas that it had not touched before, but this time it is doing so not because it seeks to increase its power but because it is trying to satisfy its citizens. As in the sixteenth century, the new liberties are not yet merged with the old liberties, and it is difficult to reconcile the two. Is it proper, for example, to interfere with the right of free speech in order to advance the rights of minorities? The

73. "Text of President Bush's Address to Joint Sessions of Congress," *New York Times* (Sept. 12, 1990).

> rule of law is threatened by the burdens that we place upon the law. We expect the laws to solve our problems when we ourselves have not agreed on acceptable solutions. We expect the laws to impose patterns of common responsibility for the welfare of a society so complex that no one knows what those patterns should be. We expect the laws to make us good, when the most that the law can do is to make it possible for us to seek the good. The result is complication, confusion, uncertainty in understanding the law, and intolerable delays in the administration of justice. This situation invites, as it did in the sixteenth century, arbitrary administrative decisions that by-pass ordinary legal procedures. It would be ironic if the forces that led to the establishment of the rule of law should be forces that lead to the breakdown of the law. But history is full of such ironies, and no society can be sure that it will escape them.[74]

One society can be sure of its ability to escape such destructive dilemmas: a biblical covenant society that remains faithful to the theological, moral, and judicial terms of the covenant. But modern man does not want to consider this option. He prefers the historical uncertainties and eternal certainties of a broken covenant.

Conclusion

Leoni argued that written civil law was the great legacy of Greece to the modern world. What he really meant was a particular kind of written civil law: *written civil law in the absence of written revelation that is authoritative over civil law*. He should have been more forthright. So should his humanist peers. The idea that law can and should be written down is quite ancient. The idea comes from a far more fundamental idea, namely, that God has revealed Himself to His people by means of law—first verbal, then written. God has spoken an authoritative primary word; man should therefore speak a secondary word that is in covenantal conformity to God's primary word. This assertion was the judicial foundation of ancient Israel. This was Israel's legacy to the Christian church, and this became the church's legacy to the West.

This legacy was challenged at the beginning of the church by the remnants of Classical Greece's essentially political legacy, but it was disguised as autonomous, philosophically neutral rationalism: *the political autonomy of man and the primacy of politics*. The Stoics abandoned this political faith, but only by seeking an escape from politics in an era of Roman tyranny. They capitulated intellectually.

74. Strayer, "Rule of Law," *Aspects of American Liberty*, p. 36.

The war in history between the kingdom of God and the kingdom of man is still being fought in terms of these rival creeds, these rival views of written civil law. It is a war over the correct way of salvation: through politics or grace. This war will continue until the final judgment.

APPENDIX E

THE COVENANTAL STRUCTURE OF JUDGMENT

Ye shall do no unrighteousness in judgment: thou shalt not respect the person of the poor, nor honour the person of the mighty: but in righteousness shalt thou judge thy neighbour.

LEVITICUS 19:15

A. Judgment: Analogical vs. Autonomous

We are called in this verse to exercise righteous judgment. This means that God has given us standards of righteousness. All judges are to be judged by the cosmic Judge of judges. We are required to regard God as the final Judge. When we exercise judgment, whether in the sense of self-government or in the sense of civil judgment, we must bear in mind that God is watching and recording all that we do. *The creation of a righteous civil order is necessarily based on a presumption of God as the final Judge*. The rejection of this presumption leads inevitably to the destruction of the judicial foundations of a righteous civil order.

Put another way, the ideal of civil theocracy—the public authority of God's Bible-revealed law over the civil order—is an extension of the doctrine of God's absolutely sovereign rule over history and eternity. This is why secular man rejects biblical theocracy; he prefers democracy: the rule of autonomous man. This is also why Christians who reject civil theocracy as a judicial ideal generally reject the Calvinist doctrine of the absolute sovereignty of God and increasingly reject any strong emphasis in preaching on the doctrine of eternal punishment.

The triumph of the Renaissance-Enlightenment ideal of autonomous man and autonomous politics has captured the minds of the vast majority of Protestant Christians. They are totally ashamed of

the ideal of civil theocracy and somewhat embarrassed by the doctrine of hell.[1] Christ is acknowledged as King of kings and Judge of judges, but only in the world beyond the grave. Until then, they affirm, man is at least partially sovereign over history ("free will") and totally sovereign over politics.

The social order is not a product of the civil order. It is the product of religion.[2] It is much broader than politics. But the social order must be defended by law. This is why the civil order must be structurally and judicially consistent with the social order. If such consistency is lacking, there will be social conflict, leading ultimately either to tyranny or anarchy: the radical one or the radical many. There is such consistency in a biblical social order, which rests on the doctrine of the Trinity: the equal ultimacy of the one (the Godhead) and the many (three Persons). Rushdoony wrote of the Chalcedon creed (451 A.D.): "Thus the equal ultimacy of the one and the many was further defended. The truth about life was neither unity nor particularity, neither social atomism nor totalitarianism, but rather the equal importance of both the one and the many. The Trinity, three persons, one God, made impossible any legitimate Christian totalitarianism or atomism: the one and the many are equally ultimate in the triune God."[3] This is why it is a denial of the biblical foundations of social order to allow those who do not publicly affirm by formal oath

1. An example of the post-World War II drift away from the Bible took place in May, 1989, at Trinity Evangelical Divinity School, near Chicago, Illinois. Trinity, with assistance from the National Association of Evangelicals, held a conference of 385 theologians, Christian leaders, and laymen: "Evangelical Affirmations/89." The goal of conference organizers Carl F. H. Henry and Kenneth Kantzer was to develop a document defining the word "evangelical." See *Evangelical Affirmations*, ed. Kantzer and Packer (Grand Rapids, Michigan: Zondervan Academie, 1990).

At this conference, a debate broke out over the doctrine of "annihilationism," also known as "conditionalism," a doctrine held by Seventh-Day Adventists, Jehovah's Witnesses, Christadelphians, etc. It teaches that there is only annihilation for unregenerate sinners in eternity—no hell or lake of fire. Theologian J. I. Packer adamantly pressed the assembly to adopt a statement affirming the traditional creedal position of eternal punishment, but to no avail. The voice vote was split, but the chairman declared that those refusing to include a positive statement (i.e., that hell exists) on such a negative idea (i.e., that God torments covenant-breakers) had been in the majority. In the section of the book that lists the evangelical affirmations, under "Second Coming and Judgment," there is no reference to the lake of fire. It states merely that "Unbelievers will be separated eternally from God" (p. 36). For an account of this conference, see *World* (June 3, 1989), p. 9.

2. R. J. Rushdoony, *Foundations of Social Order: Studies in the Creeds and Councils of the Early Church* (Vallecito, California: Ross House, [1968] 1998).

3. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), p. 173.

the existence of the God of the Bible to impose political and judicial sanctions on those who do.[4]

To understand the true nature of any social order, we must understand the covenantal structure of judgment. Because the biblical covenant has five parts, the structure of judgment is in five parts. This essay presents the biblical model that should be used to evaluate the judicial orders of rival societies.

B. The Absolute Sovereignty of God in Judgment

God is transcendent. He is not an aspect of the creation. He is present with it; He is not immanent or immersed in it. This is point one of the biblical covenant: transcendence. God created the universe. It is dependent on Him. God is the final Judge because God is the Creator. He is sovereign over creation because He produced creation out of nothing. The autonomous power of His sovereign creative word created all things: "Let there be. . . ." Therefore, the autonomous power of His sovereign judicial word governs all things. The denial in the West of God's six-day creation, beginning in the eighteenth century, was followed decade by decade by a denial of God's law and sovereign judgeship. This development should surprise no one. That neo-evangelical theologians who never affirmed the six-day creation are today equally unwilling to affirm the doctrine of hell should also surprise no one.[5]

The structure of the creation reflects the very being of God: it is both one and many.[6] The creation is diverse, yet it is unified under the sovereignty of one God. The creation was originally undeveloped, though originally perfect.

The creation is sustained by God: the doctrine of providence. Nature is not impersonal. It is totally personal.[7] Men are to begin with God as the foundation of their social theories.

C. Constitutional Legitimacy

The second point of the biblical covenant model is hierarchy/authority. God possesses lawful authority over man because God is the Founder. He is the Founder of the covenant. He announces a binding

4. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), ch. 2.

5. See footnote #1.

6. Rushdoony wrote that "we have a temporal one and many in the created universe." Rushdoony, *The One and the Many*, p. 10.

7. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 1.

covenant in history. In political theory, we call this fundamental covenant a *constitution*. The constitution sets forth the fundamental law of the society: point three of the biblical covenant model. The covenant is, in the words of Meredith G. Kline, the treaty of the great king.[8] This constitution is the legal foundation of all subsequent legislation and judicial interpretation. It is the positive source of legitimacy of all civil government.[9] It serves as a negative restraining factor in the administration of civil justice.[10] That is, it provides *judicial boundaries* on state officials. It also provides the rules of interpretation that must govern all of the courts and juries in the land. These rules of interpretation are two-fold. First, they are *moral*: good vs. evil. Second, they are *procedural*: predictable vs. unpredictable.

There must be consistency between these two aspects of the judicial rules, and there must be widespread confidence in this consistency if people are to exercise self-government. On the one hand, if they believe that the judicial system is predictable (formally rational) but ethically corrupt, they will exercise self-government in ways that are inconsistent with the stated goals of the social order. They will seek ways to "beat the system" legally by using the formal rules of the judicial system to achieve their own personal ends—ends that are in conflict with the society's stated ethical goals. A classic example of this was Vladimir Bukovsky's successful attempt in the early 1970s, as a prisoner in a Soviet concentration camp, to use the camps' formal rules of written protest to paralyze the operation of the camp.[11] On the other hand, if they perceive the legal system as ethical (substantively rational) but judicially unpredictable and arbitrary, they will be unable to exercise self-government consistent with the stated goals

8. Meredith G. Kline, *The Treaty of the Great King: The Covenant Structure of Deuteronomy* (Grand Rapids, Michigan: Eerdmans, 1963).

9. According to Max Weber, "First, and in a positive sense, government must have a legitimate basis for its own jurisdiction; a modern government exercises its functions as a 'legitimate' jurisdiction, which means legally that it is regarded as resting on authorization by the constitutional norms of the state." Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, eds. Guenther Roth and Claus Wittich (New York: Bedminster Press, [1924] 1968), p. 644. This is the English translation of the fourth edition of Weber's incomplete and posthumously published work, *Wirtschaft und Gesellschaft*.

10. Weber continued: "Secondly, and in a negative sense, the limitations on the power of the state by law and vested rights create those restraints upon its freedom of action to which it must adjust itself." *Idem*.

11. He told this story in his book, *To Build a Castle: My Life as a Dissident* (New York: Viking, 1979), pp. 37–40. I summarized this incident in my book, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 3, *Representation and Dominion* (1985), ch. 19:C.

of the social order. They will not trust the civil courts. They will not be able to understand the operations of the judicial system and its behavioral requirements for public order. They will not know what to expect from fellow citizens, since everyone is in the dark regarding what the courts will or will not enforce. Conclusion: for the maintenance of long-term social order, there has to be consistency between the fixed ethical requirements for social order and the court system's rules of procedure. Biblical law alone provides the judicial foundations of such a consistent legal order. Secularism does not.[12] Biblical law must provide legitimacy.

The issue of ***legitimacy*** *is the most important aspect of social theory, political theory, and legal theory*. Everything hinges on it. A social order cannot long exist without legitimacy: public confidence that the order is in basic conformity to fundamental ethical principles. Also needed is public confidence that *right makes might*, i.e., that righteousness will triumph institutionally in the long run. There must be widespread faith in the inherent rightness of the existing legal framework of society, and therefore faith that the social order will persevere through history as a result of its inherent rightness. In other words, there must be faith in the *covenantal coherence* of the social order: (1) a sovereign force (personal or impersonal) guarantees that *if* (2) those judicial agents who in history represent simultaneously both the force and the citizenry are faithful to (3) the force's revealed fundamental laws and norms, (4) bringing the state's negative sanctions against evil-doers, *then* there will be (5) long-term survival and prosperity for those under the society's jurisdiction. Where any of these aspects is lacking, or believed to be lacking, the social order suffers a decline in legitimacy. So does the political order that represents it judicially.[13] (Amillennialism teaches *right makes cultural impotence*.)

12. It was Max Weber's insight, as the premier humanistic social theorist of the twentieth century, that in modern secular society, there is no consistency possible in judicial rationalism. Substantive (ethical) rationalism is in permanent and irreconcilable dialectical tension with formal (procedural) rationalism. This is true not just in the legal order; it is equally true of the economic order, he argued. On his dialectical legal theory, see Weber, "Formal and Substantive Rationalization—Theocratic and Secular Law," *Economy and Society*, pp. 809–38. On the twin developments of capitalism and its relationship to a formal legal order vs. socialism and its relationship to a substantive legal order, see *Economy and Society*, pp. 100–7, 111, 224–25, 165, 856. On the whole question of Weber's dialectical analysis, see Gary North, "Max Weber: Rationalism, Irrationalism, and the Bureaucratic Cage," in North (ed.), *Foundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House Books, 1976), pp. 141–46.

13. Communist societies in Eastern (Central) Europe suffered a monumental and unprecedentedly rapid (for peacetime) public breakdown in late 1989, to a large degree

This is why constitutional theory is central to both social and political order. The constitution enunciates the covenantal principles of the society. It is inescapably a judicial document. Moses, as the supreme representative agent, made a constitutional declaration in Deuteronomy 4. This declaration presented the legal foundations of Israel's legitimacy, both nationally and internationally (Deut. 4:1–10).

D. The Establishment of Legal Boundaries

A law necessarily excludes certain actions. It establishes moral boundaries: point three of the biblical covenant model—ethics. The biblical legislative model is the law which prohibited Adam's access to the tree in the garden: "No Trespassing!" When Adam violated this boundary, God extended its boundaries: the edges of the garden. "So he drove out the man; and he placed at the east of the garden of Eden Cherubims, and a flaming sword which turned every way, to keep the way of the tree of life" (Gen. 3:24). This boundary removed from Adam the ability to transgress it without dying on the spot. Both of these boundaries restricted Adam's legal sphere of action. The initial boundary served as a test of his covenantal faithfulness. The second one did not, or at least not to the same degree. The tree had no visible negative sanction attached to it; the doorway to the garden did.

1. Exercising Judgment

As the covenant-keeper matures judicially, he is supposed to apply the details of God's revealed law more self-consciously. Every area of life is to be brought progressively under covenant-keeping man's dominion. Why everything? Because of this inescapable fact: everything we think or do apart from redeeming grace is under the reign of sin. *Therefore, everything we think or do is going to be judged at the final judgment*. Nothing in history is outside of God's final judgment. Not what we do: "For God shall bring every work into judgment, with every secret thing, whether it be good, or whether it be evil" (Eccl. 12:14). Not what we say: "But I say unto you, That every idle word that men shall speak, they shall give account thereof in the day of judgment" (Matt. 12:36). Not what we think: "But I say unto you, That whosoever looketh on a woman to lust after her hath committed adultery with her already in his heart" (Matt. 5:28).

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because of the public's loss of faith in all five aspects of the covenantal order. Power alone could no longer maintain the Communist system. Might was visibly in conflict with right.

But if everything is going to be judged by God at the end of time, then everything is under His comprehensive law today. There cannot be an infraction apart from a law against the act. Paul wrote: "For I was alive without the law once: but when the commandment came, sin revived, and I died. And the commandment, which [was ordained] to life, I found to be unto death. For sin, taking occasion by the commandment, deceived me, and by it slew me. Wherefore the law is holy, and the commandment holy, and just, and good" (Rom. 7:9–12). *God's law is inherently unbounded*: geographically, psychologically, institutionally. It applies to all of life. *Redemption is also necessarily unbounded*, just as sin is unbounded apart from grace. God's grace is comprehensive—surely as comprehensive as sin's present reign.[14]

This presents a problem. God's law is concise. Life is infinitely complex. The written law does not and cannot spell out every conceivable application to every circumstance in history. Yet it applies to all of life. Thus, there will sometimes be a public action that appears to transgress the law when in fact it does not transgress it. Conversely, some acts may look legal when they are not. How can we make sense of this?

2. Gapless Law

To argue that every thought, word, and deed of every person in history is under God's final sanctions is to argue that God's law is gapless law. Nothing is outside it; everything is covered. Everything is inside the judicial boundaries established by God's law. All acts are necessarily judicial acts; they are therefore inescapably personal acts. The law-order by which they are evaluated is equally personal. The law is binding on man because man is made in God's image.

For a secular view of law to match biblical law's comprehensive nature, it must assert the existence of an impersonal, uncreated, yet fully developed system of generalized legal propositions. Weber described the nature of this assertion: "According to present modes of thought it represents an integration of all analytically derived legal propositions in such a way that they constitute a logically clear, internally consistent, and, at least in theory, gapless system of rules, under which, it is implied, all conceivable fact situations must be capable of

14. Gary North, "Comprehensive Redemption: A Theology for Social Action" (1981), in North, *Is the World Running Down? Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), Appendix C; Kenneth L. Gentry, Jr., *The Greatness of the Great Commission: The Christian Enterprise in a Fallen World* (Tyler, Texas: Institute for Christian Economics, 1990).

being logically subsumed lest their order lack an effective guarantee. Even today not every body of law (e.g., English law) claims that it possesses the features of a system as defined above and, of course, the claim was even less frequently made by the legal systems of the past; where it was put forward at all, the degree of logical abstraction was often extremely low."[15]

The modern form of this systematization, he said, was derived from Roman law.[16] When Roman law was revived in the late medieval era, "it strengthened that tendency of the legal institutions themselves to become more and more abstract, which had begun already with the transformation of the Roman *ius civile* [civil law] into the law of the Empire. As Ehrlich properly emphasized, in order for them to be received at all, the Roman legal institutions had to be cleansed of all remnants of national contextual association and to be elevated into the sphere of the logically abstract; and Roman law itself had to be absolutized as the very embodiment of right reason. The six centuries of Civil Law jurisprudence have produced exactly this result. At the same time, the modes of legal thought were turned more and more in the direction of formal logic."[17] Step by step, brilliant summaries of the law were stripped of their context of specific cases and "raised to the level of ultimate legal principles from which deductive arguments were to be derived."[18] A new ability was needed in order to apply this abstract law: the ability to "construe" the situation in a *logically* impeccable way.[19] "In this way that conception of law which still prevails today and which sees in law a logically consistent and gapless complex of 'norms' waiting to be 'applied' became the decisive conception for legal thought."[20]

To make plausible the existence of such a legal order, the logical processes of the minds of judges have to be assumed to correspond on a one-to-one basis with the acts of men. There must be no gaps: within logic or between logic and the context of the specific act. That this requires a messianic view of man—or at least mankind's human judges—should be obvious. It means that the abstract principles of law must be as exhaustive as the contexts of all human action in every period and region, and the judge's mind must be equally exhaustive.

15. Weber, *Economy and Society*, p. 656.
16. *Idem*. Weber did his earliest academic work in the field of Roman law.
17. *Ibid*., p. 854.
18. *Idem*.
19. *Ibid*., p. 855.
20. *Idem*.

That such a view of universal, abstract law was closely associated with the rise of the Roman Empire should not be surprising. Messianic men invariably attempt to establish messianic kingdoms. The assertion of man's exhaustive knowledge leads to the assertion of man's exhaustive authority, and vice versa.

There is also the problem of historical development. If the law is gapless, how can there be change? We are back to the old antinomy between Parmenides' unchanging, comprehensive reason and Heraclitus' ever-changing historical process. Long ago, Sir Henry Maine pointed to the legal fiction of gapless English law.

> With respect to that great portion of our legal system which is enshrined in cases and recorded in law reports, we habitually employ a double language and entertain, as it would appear, a double and inconsistent set of ideas. When a group of facts come before an English Court for adjudication, the whole course of the discussion between the judge and the advocates assumes that no question is, or can be, raised which will call for the application of any principles but old ones, or of any distinctions but such as have long since been allowed. It is taken absolutely for granted that there is somewhere a rule of known law which will cover the facts of the dispute now litigated, and that, if such a rule be not discovered, it is only that the necessary patience, knowledge, or acumen is not forthcoming to detect it. Yet the moment the judgment has been rendered and reported, we slide unconsciously or unavowedly into a new language and a new train of thought. We now admit that the new decision has modified the law. The rules applicable have, to use the very inaccurate expression sometimes employed, become more elastic. In fact they have been changed. A clear addition has been made to the precedents. . . . The fact that the old rule has been repealed, and that a new one has replaced it, eludes us. . . .[21]

It is all a convenient legal fiction. "We do not admit that our tribunals legislate; we imply that they have never legislated; and yet we maintain that the rules of English common law, with some assistance from the Court of Chancery and from Parliament, are coextensive with the complicated interests of modern society."[22] There is no way theoretically to reconcile the theory of gapless law and the reality of historical development except by an appeal to the Creator as Lawgiver. Eventually, men reject what Maine called a legal fiction. They adopt other explanations for the reliability of the "fit" between civil law and historical change: the sovereignty of the Parliament, or the

21. Sir Henry Sumner Maine, *Ancient Law: Its Connection with the Early History of Society and its Relation to Modern Ideas*, 5th ed. (New York: Henry Holt, 1864), p. 30.
22. *Ibid.*, p. 32.

Supreme Court, or the vanguard of the proletariat. Such is the fate of any legal theory that does not begin with the doctrine of cosmic personalism: the doctrine of creation.[23] The impersonal laws of the universe are said to produce the first true person in history: autonomous man.[24] Then man becomes the new god who legislates both morality and reality.[25] In legal theory, this leads to the idea of the sovereign lawmaker: either as legislator or judge. The absolutely sovereign law-giver is immanentized, and woe unto those who defy his will! The law-giver becomes totally arbitrary and highly personal. The only remotely consistent theoretical alternative is the ideal modern law-giver described by Weber: the judge as "an automaton into which legal documents and fees are stuffed at the top in order that it may spill forth the verdict at the bottom along with the reasons, read mechanically from codified paragraphs. . . ."[26] From cosmic impersonalism to judicial personalism and back to impersonalism: this is the vicious circle of judicial humanism. Such is the fate of any theory of gapless law in an autonomous universe. The only secular alternative is a theory of gap-filled law, which leads to the acceptance of the inevitability of judicial arbitrariness. Someone must fill the gaps.

This leads us to the next question: Who will fill these gaps in the civil law?

E. Fitting the Law and the Act

The jury or the judge must determine the closeness of the fit between formal legislation and a public act. This is point four of the biblical covenant model: sanctions. As I have said, written law cannot be exhaustive. Jurors determine this fit re-creatively; God determines it creatively. Jurors must exercise judgment in God's name. They must act representatively. They cannot act mechanically, for the law is not mechanical. They cannot act "digitally," as a computer does, for man thinks analogically: as a creature who images God.[27] More to the

23. North, *Sovereignty and Dominion*, ch. 1.
24. *Ibid.*, Appendix A.
25. North, *Is the World Running Down*, ch. 1.
26. Weber, *Economy and Society*, p. 979.
27. One of the most impressive intellectual failures in history was the attempt by mathematical genius Alan Turing to specify the conditions of a digital mechanical logic that would "think" as a human brain thinks. He died a suicide in 1954, although his homosexuality also probably contributed to his psychological demise. A comprehensive biography is Andrew Hodges' *Alan Turing: The Enigma* (New York: Touchstone, [1983] 1984). See especially chapter 7. In debating with Turing, mathematician M. H. A. Newman appealed to man's analogical thinking in describing the role of imagination in mathematics. *Ibid.*, p. 451.

point, a computer program is not in danger of eternal damnation; man is. Personalism is inescapable in all civil judgment. This stems from the fact that there is an inescapable cosmic personalism in every aspect of history. Everything is under the historical decree of God and the absolute sovereignty of God.

How can men impose their judgments personally yet judicially? How can they "make the fit" between God's revealed law and a person's public action? No event is identical to any other; no point in history is identical to any other. Thus, establishing a "perfect fit" between ever-changing history and God's unchanging legal principles is impossible for a creature who is not omniscient. Judicial perfection eludes man. Alternatively, no historical act or event is totally unconnected with any other. There is no autonomy in the universe. The decree of God and the revealed law of God tie all events into a common history. How, then, can judges "make the fit"?

1. Casuistry and Intuition

Casuistry is the art of applying general law to specific cases. Biblical casuistry declined rapidly in Protestant cultures after 1700, as rationalism spread into every area of life, especially judicial life.[28] Yet no one can avoid casuistry. We live under law—either God's or someone else's. We apply general rules to specific circumstances all day long. It is never a case of "casuistry vs. no casuistry." It is always a case of some system's casuistry.[29] Rendering judgment is always overwhelmingly an intuitive process, though grounded in some view of law and action. We do not think about the relationship between law and action in every decision we make daily. We act habitually. But our habits are shaped by an implicit casuistry.

A covenant-keeping individual is required by God to have extensive familiarity with the specific details of God's law. He must also gain experience in making judgments in terms of this law. *Judging begins with self-judgment*. Making judgments is similar to making bread, making houses, or making anything else. Many of the skills—probably most of them—are too complex to be verbalized or written down. For example, there are no handbooks telling us how to ride a bicycle—safety requirements, yes, but not the actual skills. The skilled craftsman is in a position to exercise his skills in a way that an unskilled

28. Thomas Wood, *English Casuistical Divinity in the Seventeenth Century* (London: S.P.C.K., 1952).

29. North, *Authority and Dominion*, ch. 50:C.

craftsman cannot, even though the unskilled craftsman may have read a lot of books on the topic, and the skilled craftsman may be illiterate. There are no handbooks that show people how to become professional craftsmen or athletes, as distinguished from amateurs. These unique *differentiating* degrees of skill can be gained over long periods of practice. They cannot be measured except by actual performance. Similarly with juries: in fitting a specific law to the actual public act that is being brought into consideration by the jury, the jurors must exercise an *informed intuition* in order to declare a person guilty or not guilty. This skill is not formally obtained in daily life, yet juries do their work effectively. How? Because Western civilization was originally Christian, and centuries of preaching on judicial Bible texts helped to transfer the fundamentals of biblical judicial intuition—wisdom in its widest sense—to large numbers of people. By applying God's law in the family and the church, we are to become more skilled in serving as covenantally faithful civil jurors. This is the art of biblical casuistry.

Men must rely on intuition in order to make righteous judgments—casuistical judgments. Intuition cannot be rationally specified. There are creaturely limits on man's thinking and his language. There will never be a limitless creature. Only the Creator is limitless. Nevertheless, we can describe the effects of intuition's operations. We can glimpse it by looking at where it isn't. Intuition is that undefinable area in between semi-fixed habit and action, between judicial law and action, between moral principle and action—an area that cannot be specified logically or verbally. Why not? Because we cannot specify every step in any logical procedure or "chain of reasoning." The logical chain is not made up of discrete, interconnected "links." The "links" are not in fact interconnected, one to another. The chain of logic is not really a chain; it is a series of discrete, identifiable logical "markers" that we are capable of recognizing and manipulating, and which we assume are connected by inconceivably small units of logic that we cannot specify. These supposedly infinitesimal units we believe "fill in the gaps" between our leaps of reasoning, point to point. We have faith that there is a continuum linking the small mental steps that we can identify and connect analogically. The mathematician assumes that the structure of the arithmetical continuum is that of "beads on a string, but *without the string*."[30] He assumes what he

30. Nicholas Georgescu-Roegen, *The Entropy Law and the Economic Process* (Cambridge, Massachusetts: Harvard University Press, 1971), p. 65. See his discussion of the continuum, time, being and becoming, mind, and "*simple* infinity": pp. 64–76.

cannot really prove or describe. So does the humanist legal theorist. There is continuity in life. This includes judicial life: law and action. This is what makes predictable law enforcement possible. The question is: What is the basis of this continuity? The Calvinist says: "The comprehensive decree of an omniscient, absolutely sovereign God." The humanist answers: "The evolving intuition of the hypothetical mind of sovereign collective man in an evolving universe."[31]

There is also discontinuity in life. Each action is to some degree—a *scientifically unmeasurable* degree—different from any other. This means that there is a discontinuity between actions. Also, each law is unique. This means that there is a discontinuity between laws. The "gap" between our discontinuous actions, as well as the "gap" between discontinuous laws, is the area that we must judge intuitionally. For civil laws to judge the actions of individuals, there must be a "fit": a comparative absence of gaps. The smaller the gap, the more predictable the judgment. The larger the gap, the more power is transferred to the state: arbitrary law enforcement. It is the jury's task to decide behind closed doors and then publicly declare whether a particular judicial gap is sufficiently small to authorize a conviction.

(It is also the American jury's task to determine the legitimacy of the law under which the state has brought its case, although American judges no longer instruct juries on this point and have not since the late nineteenth century. In fact, judges sometimes instruct jurors falsely, telling them that a jury has no right to judge the law, a lie that jurors tend to believe.[32] Judges rarely allow defense attorneys to tell this to juries at any point in the proceedings.[33] A defense attorney can be held in contempt of court for ignoring the judge's instruction to him to cease informing the jury of its Constitutional right to determine the legitimacy of any law. What was originally known as *jury nullification*—the common law authority of juries to nullify the application of a law in specific court cases—has been transformed to mean the right of judges to nullify the authority of juries in defiance

31. The Arminian does not answer, since he does not bother himself with such "unspiritual" academic questions.

32. In a common law jury room, no one can tell the jury what to do. It is as autonomous legally as the U.S. Supreme Court.

33. The closing statement of Paul Newman in the movie, *The Verdict*, in which he reminds the jury of its right to consider the legitimacy of the law, was highly dramatic and altogether fictional. No judge would have permitted him to continue. The judge would have instructed the jury to disregard Newman's remarks, not because they were false but because they were true.

of common law.[34] Excessive authority has thereby been transferred illegitimately to legislators, prosecutors, and judges. This process has accompanied and intensified the centralization of political power.)

2. Casuistry and Biblical Wisdom

Knowledge is a scarce economic resource. That is to say, at zero price there is more demand for it than the supply of it. Many, many errors in economic and social analysis rest on an unstated assumption that accurate knowledge is a zero-price resource.[35] On the contrary, it is expensive. This is why the advent of the computer and low-cost data storage, retrieval, and transmission has been a monumental breakthrough in men's pursuit of wealth. Management theorist Peter Drucker—arguably America's most insightful observer of trends, 1939–2005—has written: "The greatest challenge of the computer industry is to learn how to build information bases, not databases."[36] He is correct about something else, a secular adaptation of what the Bible announced in Solomon's day: "Today, the real and controlling resource and absolutely decisive factor of production is neither capital nor land nor labor. It is knowledge."[37]

But we need more than knowledge; we need wisdom. Wisdom is grounded in the ethics of the word of God. We need more than techniques to convert the computer's digitally stored data into man's analogically interpreted information. Drucker commented: "We need an economic theory that puts knowledge into the center of the

34. In a Texas county courtroom in which I had been called as part of a large group to be a candidate to serve on a jury, the judge asked each prospective juror to stand up if he or she believed that a jury has the right to decide the law as well as the facts. He threatened to dismiss any juror who stood up. I refused to stand up because he had no moral authority before God to make such an inquiry. Any American juror has the right to remain silent until he gets into the jury room, and he then has the right to "hang" the jury—no verdict—if he believes that a law is immoral or unconstitutional. The juror is sovereign, not the judge.

35. Thomas Sowell, *Knowledge and Decisions* (New York: Basic Books, 1981). I regard this book as the single most important work in political economy of my generation. It shows the importance in so may different areas of the idea that there is a price for knowledge. Solomon's injunction, "get wisdom," is not a zero-price injunction. "Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding" (Prov. 4:7). "How much better is it to get wisdom than gold! and to get understanding rather to be chosen than silver!" (Prov. 16:16). "Wherefore is there a price in the hand of a fool to get wisdom, seeing he hath no heart to it?" (Prov. 17:16).

36. "According to Peter Drucker," *ASAP* [As Soon As Possible] (March 29, 1993), p. 90.

37. *Ibid.*, p. 94.

wealth-producing process."[38] The Austrian theory of entrepreneurship comes closest to performing this task. (Drucker was an Austrian economist, but not an Austrian School economist.) Yet even the Austrian theory of entrepreneurship, most notably Israel Kirzner's extension of it, places *nonrational insight*—Kant's noumenal realm—at the heart of the economic process. This noumenalism has become self-conscious irrationalism in the writings of G. L. S. Shackle and Ludwig Lachmann.[39] We need a breakthrough in man's ethical knowledge to accompany the technological breakthrough in digitally stored data-into-information. We need *biblical casuistry*—the application of biblical law to historical circumstances—and we need God's grace to conform our thoughts and actions to what we know to be true. If we do not get this, and on a widespread basis, then we face God's wrath in history: from those to whom much knowledge has been given much is expected (Luke 12:47–48).

3. Judicial Review

Because the constitution is the source of legitimacy for all subsequent legislation, there is no escape from the legal principle known as judicial review: point four of the biblical covenant model.[40] Someone in the hierarchy must announce the legitimacy or illegitimacy of specific pieces of legislation and also the legitimacy of the decisions of lower courts. Someone must act as the interpreter of the principles set forth as fundamental law in the constitution. There is no escape from final judgment after history, nor is there escape from the principle of judicial review in history.

The Founder has chosen a representative agent in history. This delegated agent is man. Man alone is made in God's image. He is a true, personal reflection of God. This is why he is the agent to whom God has delegated legitimate sovereignty. In calling Adam to serve as judge, God called a perfect man in history to serve as His agent. But that perfect man was immature. This means, among other things, that he was *judicially immature*. He had only one law that he had been given in order to serve as a restraint against him. That law was that he could not eat from a particular tree. God set a *legal boundary* around that tree. In order to gain maturity, Adam had to learn self-government under God. He needed time in order to mature judicially. He

38. *Idem*.
39. North, *Authority and Dominion*, Appendix H.
40. North, *Political Polytheism*, ch. 10.

needed obedience to mature judicially. He needed experience to mature judicially. *Obedience is a product of self-government under God*. Experience to some extent must be based on one's learning the principles of judging others in one's capacity as a judge. Adam was put at the head of a household. He was given authority to exercise judgment in history over others. There can be no development of judicial maturity in history without holding some kind of office. This is why the church requires that elders in the church must be lawful rulers over their families (I Tim. 3:4–5).[41]

There is only one final judgment. There is only one final court of appeal. But both of these are outside of history. Thus, any judicial spokesman in history cannot be absolutely sovereign. His word cannot be final. No single earthly court can legitimately command absolute obedience. This is why the biblical doctrine of judicial review, being Trinitarian and therefore plural—family, church (local, regional, national, international), and state (local, regional, national, and international)—does not lead to the creation of absolute civil government. The decision of any supreme court can be appealed to the courts in the other lawfully sovereign realms. The decision of a final supreme court should be capable of being overruled by a combination of the legislative and executive powers. *Whenever man seeks to create an institutionally unified earthly court that possesses a final word on the law, he acts messianically*. The quest for a single supreme world court beyond which no appeal is legal, like the quest for a single national supreme court beyond which no appeal is legal, is a messianic quest: the quest for perfect justice.[42] It inevitably leads to a widespread disrespect for law and subsequent evasion, tyranny, revolution, and judicial breakdown.

F. Judicial Precedents and Legal Predictability

If the court is not to become arbitrary in its judicial pronouncements, it must be under restraints. Restraints include the following: (1) the clarity and generality of the constitution; (2) the clarity and constitutional consistency of the written statutes; (3) the irreversible sovereignty of the jury in deciding innocence; (4) the threat of judicial review. But there is another restraint, one which is especially import-

41. Gary North, *Hierarchy and Dominion: An Economic Commentary on First Timothy*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 4.

42. Macklin Fleming, *The Price of Perfect Justice: The Adverse Consequences of Current Legal Doctrine on the American Courtroom* (New York: Basic Books, 1974).

ant in common-law countries: *legal precedent*. Judicial decisions are supposed to be cumulative and consistent. They are supposed to provide information to litigants regarding the ways in which courts have applied the law to specific past cases.

1. Concealed Legislation

Because the Anglo-American common law system is primarily law based on judicial precedents by judges, it is sometimes called judge-made law.[43] Selecting from judicial precedents becomes a disguised means of legislating. No one has stated this more forcefully (and perhaps cynically) than the great English legal historian, A. V. Dicey. "But the appeal to precedent in the law courts merely is a useful fiction by which judicial decision conceals its transformation into judicial legislation; and a fiction is none the less a fiction because it has emerged from the Courts into the field of politics or of history. Here, then, the astuteness of lawyers has imposed upon the simplicity of historians."[44] This fiction was maintained for many centuries in Great Britain and the United States. Wrote Murphy and Pritchett: "It was not until well into the nineteenth century that either the British Parliament or the American Congress began to pass many statutes dealing with the everyday affairs of private citizens."[45] It took centuries before Parliament dealt with such matters as trespass, property, wills, contracts, and obligations between employers and employees.[46]

It was assumed by the founders and practitioners of the common law that the law, while not gapless, could be determined by judges by a careful study of past decisions. The "fit" between a general legal principle and the specific case could be filled in by precedents stemming from similar cases. In other words, *history has continuity*. There is an evolutionary development over time: law becomes more precise and more predictable as cases pile up. The assumption, of course, is that the pile of cases is itself coherent, at least in the aggregate. The judge can therefore make judicially significant connections between the facts of the case before him and the results of many similar cases in the past. The past cases are assumed to be consistent. They are presumed to be an orderly pile, not chaos in the brickyard. But modern

43. Walter F. Murphy and C. Herman Pritchett, *Courts, Judges, and Politics: An Introduction to the Judicial Process*, 2nd ed. (New York: Random House, 1974), p. 5.

44. A. V. Dicey, *Introduction to the Study of the Law of the Constitution*, 8th ed. (Indianapolis, Indiana: Liberty*Classics*, [1915] 1982), p. cxxxvii.

45. Murphy and Pritchett, *Courts*, p. 5.

46. *Ibid.*, p. 6.

thought affirms only chaos in the brickyard.[47] The orderliness of the pile is now assumed to be the product of the judge's mind; there is supposedly no inherent order in the facts themselves. Judicial facts are regarded as no more coherent than any other facts. Any perceived coherence is the product of the human mind. This has made an epistemological jumble of legal precedents. They serve as a model of Heraclitus' dictum: everything flows. But where?

2. Time and Eternity

We find here a manifestation of an ancient philosophical antinomy: facts vs. logic. Common law formally clings to the legal fiction of the autonomous relevance of historical fact. Civil law, meaning Roman law, clings to the legal fiction of the autonomous comprehensive mind of the statute writer. The war between the two concepts is as total as the war between Heraclitus' concept that "all is flux" and Parmenides' concept that "all is fixed logic." It is the war between timeless logic and changing history. This is one of the continuing themes in the apologetics of Cornelius Van Til. As Van Til asked with respect to the relationship between timeless principles and historical flux: "How then could you expect that time should suddenly be able and willing to submit to the ways of eternity? On the other hand, how could you expect that Eternity should suddenly feel at home when taken into the realm of time? Far easier could you bring under one roof an old bachelor and an old maid, both of them accustomed to a life of abstraction from one another, and expect that they would get along in harmony. . . ?"[48] Common law vs. Roman law: it is the age-old humanist epistemological war between the flowing stream and the ice cube.[49] Either the river freezes, ceasing to flow, or the ice cube melts, ceasing to exist as a separate entity.

At the heart of Roman civil law was the belief that "law was precisely what that term meant, a system, closed, self-contained, and self-sustained, a neatly ordered body of principles hierarchically arranged, with the less fundamental principles logically deduced from the more fundamental. Any judicial tampering with this system, even if only a charitable effort to ease the law's commands in a particular case, was bound to do more harm than good in the long run by

47. Bernard K. Forscher, "Chaos in the Brickyard," *Science* (Oct. 18, 1963), p. 339.

48. Cornelius Van Til, *A Survey of Christian Epistemology*, vol. II of *In Defense of Biblical Christianity* (Den Dulk Foundation, 1969), p. 41.

49. Van Til's ice cube analogy is found in *ibid*., p. 35.

destroying the intellectual integrity of the entire corpus."[50] But the threat to such a "corpus" is *rigor mortis*: unchanging bodies are dead. How can the fixed principles of law be made relevant in history? How can an unchanging hierarchy of hypothetically rational, gapless law be applied in ever-more predictable and ever-more ethical ways to a hypothetically gapless river of ceaseless, judicially undifferentiated change? Secularism provides no consistent answer.

Secular legal theory cannot solve the problem of judicial intruders and defenders. The Roman law statute-makers resented the intrusion of the judges. The common law judges in turn resented the intrusion of the statute-makers. According to legal historian Lawrence Friedman, "For a long time, the proud judges looked at statutes with great suspicion. Statutes were unwelcome intrusions on the law, and were treated accordingly. In Continental law, all law (in theory) is contained in the codes. In common law many basic rules of law are found nowhere but in the recorded opinions of the judges."[51]

3. Sanctification

The biblical solution to this dilemma is the doctrine of sanctification: definitive, progressive, and final. There is not only definitive sanctification in history—the morally perfect life, death, resurrection, and ascension of Jesus Christ—there is also progressive sanctification: the increasing conformity of individuals and collectives to the fixed, gapless legal order established by the Creator. Through the judicial maturation of covenant-keeping men, empowered by the Holy Spirit, society progressively conforms itself to the judicial requirements of God. What Paul said of the individual applies also to collectives.

> For we are saved by hope: but hope that is seen is not hope: for what a man seeth, why doth he yet hope for? But if we hope for that we see not, then do we with patience wait for it. Likewise the Spirit also helpeth our infirmities: for we know not what we should pray for as we ought: but the Spirit itself maketh intercession for us with groanings which cannot be uttered. And he that searcheth the hearts knoweth what is the mind of the Spirit, because he maketh intercession for the saints according to the will of God. And we know that all things work together for good to them that love God, to them who are the called according to his purpose. For whom he did foreknow, he also did predestinate **to be conformed to the image of his Son**, that he might be the firstborn among many brethren.

50. Murphy and Pritchett, *Courts*, p. 4.

51. Lawrence M. Friedman, *A History of American Law* (New York: Simon & Schuster, 1973), pp. 17–18.

> Moreover whom he did predestinate, them he also called: and whom he called, them he also justified: and whom he justified, them he also glorified. What shall we then say to these things? If God be for us, who can be against us? He that spared not his own Son, but delivered him up for us all, how shall he not with him also freely give us all things? Who shall lay any thing to the charge of God's elect? It is God that justifieth. Who is he that condemneth? It is Christ that died, yea rather, that is risen again, who is even at the right hand of God, who also maketh intercession for us (Rom. 8:24–34).

The biblical view of civil law is that legislators may lawfully change existing statutes, and courts may lawfully alter the body of precedents, but only if such nullification or modification is necessary to make an existing law or custom conform to the requirements of God's revealed law. Covenant-breaking formal rationalism—predictable evil laws—is not a valid substitute for biblical law. Neither is a legal system based formally on biblical law in which judges have the authority to refuse to apply it. The institutional hope, then, is for juries to be composed of well-informed, covenant-keeping people. We call such a civil order a theocracy.[52]

Conclusion

Rendering civil or ecclesiastical judgment is a covenantal act. It rests on the doctrine of creation and the doctrine of man as the image of God. Man is capable of thinking God's thoughts after Him. This makes it possible for men to establish connection among: (1) general principles of biblical law (the Ten Commandments), (2) the biblical case laws, (3) judicial precedents, (4) assessing historical acts that are suspected of being crimes, and (5) restitution/restoration.

The theory of gapless law is correct, but only when applied to the mind of God. He alone is omniscient, which is the underlying presupposition of a theory of gapless law. To think analogously to God, men must use intuition that is the product of two things: their study of the Bible-revealed law of God and their experience in applying God's law to specific judicial cases involving public acts. This is why only judicial covenant-keepers, meaning church members, are allowed by God to serve as civil judges in a formally covenanted holy commonwealth. This is why theocracy—the rule of God—has political implications. The citizen is a judge. He must render civil judgment. Only covenantkeepers are allowed to do this in a covenant-keeping society.

52. North, *Political Polytheism*, ch. 2.

Any theory of citizenship that denies this is necessarily also a theory of civil justice that denies the continuing authority of God's Bible-revealed civil law in the New Testament era.

Christian legal theory is equally at war with common law and Roman law. Common law theory assumes that coherence will emerge from a long string of judicial precedents: the sovereignty of judges in history. Roman law theory assumes that coherence is imposed by the statute-makers: the sovereignty of legislators in history. Neither assumption is correct. Coherence in legal affairs in history begins with God's omniscience and ends with God's final judgment. Without the assumption of an omniscient God who imposes His ongoing judgments over time and eternity, autonomous man's hope for coherence and justice cannot be progressively realized. Without access to the God's constitution of liberty—His written revelation in the Bible—mankind will not escape bondage to tyrants.

APPENDIX F

RUSHDOONY ON "HYBRIDIZATION": FROM GENETIC SEPARATION TO RACIAL SEPARATION

For the scripture saith, Whosoever believeth on him shall not be ashamed. For there is no difference between the Jew and the Greek: for the same Lord over all is rich unto all that call upon him. For whosoever shall call upon the name of the Lord shall be saved.

ROMANS 10:11–13

The New Covenant announces the restoration of the original judicial unity of covenant-keeping mankind. Under the New Covenant, the Mosaic barriers between Jew and Greek are erased forever (Acts 10). The unity of Trinitarian confession erases the *judicial relevance* of all other cultural and racial diversities among covenant-keepers. The unity of Trinitarian confession is the fundamental unity of the redeemed in history, for it will be their fundamental unity in eternity.

There is a great divide separating men: conflicting confessions. Men are either covenant-keepers or covenant-breakers. This division extends into eternity. All other disunities are secondary to this one: rival confessions regarding the person and work of Jesus Christ.

Men seek other forms of unity besides Trinitarian confession. There are rival confessions regarding religion, politics, language, and culture. But the most powerful of all rival unities through the ages is racial unity. This unity is declared as primary again and again in history. Skin of different colors, hair of different types, eyes differently shaped: here are the building blocks of racialist social theories. Even the attraction between the sexes—a powerful biological drive—is said to be secondary to the importance of race. Interracial marriages are called "mongrelization," as if men were animals.[1]

1. The theology of the 1960s racist cult leader Wesley A. Swift is typical of this out-

A. Confession Is Supreme

Christianity subordinates sexual bonding to confession. Racism subordinates sexual bonding to race. The Christian insists that a confusion of parental confessions places the children in eternal jeopardy. The racialist insists that a confusion of parental races places the children outside the bounds of acceptable society: the half-breed as cultural nomad. The Christian announces a confessional covenant. The racialist announces a blood covenant. The Christian denies the legitimacy of a blood covenant, save one: the judicial covenant based on Christ's shed blood. The racialist may hedge his language in an attempt to make his blood covenant sound acceptable in a world of confessional covenants, or more important in modern times, political covenants. But the appeal of the racialist's blood covenant continues through the ages, while other covenants rise and fall, save one variety: confessional covenants.

It is strategically crucial today for Christian Reconstructionists to afirm this principle of confessional covenantalism because of Reconstructionism's commitment to biblical law. The other movement similarly committed to biblical law is the Identity-Destiny-British Israel movement. These groups believe that white Anglo-Americans are the biological heirs of the 10 lost tribes of Israel, and this supposedly genetic covenant is still binding: the judicial basis for honoring biblical law today. Thus, these groups are tied to the idea of a blood covenant. In the more radical Identity groups, such as the white supremacist Aryans, this blood covenantalism can turn violent against members of other races, especially Jews and blacks. In the first major academic

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look. He wrote that "mankind violated the courses of divine law, by mongrelizing his races. . . ." Swift, *In the Beginning God*, p. 1. Sermon, Feb. 5, 1967, published by the New Christian Crusade Church, Hollywood, California. The Mongolian race, he said, appeared 660,000 years ago; the Negro race appeared 73,000 years ago; and the white race appeared 7,400 years ago. Swift, *God's Call to Race* (Hollywood, California: New Christian Crusade Church, n.d.), p. 2. "After the fall of Lucifer, the areas of retrogression have generally been marked by their integration and mongrelization. The Negroid is one of the lowest species on the face of the earth, because he fell the furthest, and because, when he came to earth under the Luciferian design, he was used for the mongrelization of the ancient Asiatics and the interference with other races." *Ibid*., p. 5. Then what of the great flood in which all but one family perished? Swift's answer: there was no universal flood. Lots of other races survived the local flood in Noah's day. "There weren't any Negroes involved in the flood." Swift, *Were All the People of the Earth Drowned in the flood?* (Hollywood, California: New Christian Crusade Church, n.d.), p. 25. Swift's covenant was a racial covenant: "We think, when people understand these things, they will understand their divine responsibility which is to preserve their race and to carry out the directions of God." *Idem*.

study of the Identity movement, Michael Barkun correctly separated Reconstruction from Identity, but then offerred a warning:

> The theme of Bible-centered law cannot be left before examining one final element: the striking resemblance between the concept of Bible-centered law in British-Israelism and Christian Identity, on the one hand, and its counterpart among some contemporary evangelicals, on the other. These so-called "Reconstructionists" are part of the dominion theology movement that urges the reconstruction of society on Christian lines prior to the Second Coming. The Reconstructionists, including such figures as Rousas John Rushdoony, David Chilton, and Gary DeMar, consider biblical law binding and wish to see American law recast in biblical terms. There is, however, no evidence of any connection between the small but influential Reconstructionist movement and the British-Israel or Identity groups considered here. Indeed, there is no evidence that either is even aware of the other.[2] Where British-Israelism drew legal inferences from its claim of Israelite ancestry, Reconstructionism reflects a quite different Calvinist tradition transmitted through Dutch Reformed scholars and institutions. Nonetheless, should Reconstructionism expand beyond its currently small coterie, it may create a climate of opinion from which similar Christian Identity doctrines will inadvertently benefit. Since Reconstructionist leaders are trained intellectuals (something Identity figures are certainly not), the rigor of their approach may confer a halo of respectability on all ideas of Bible-centered law, including Identity's, despite the latter's completely separate origins.[3]

I take this warning very seriously. All traces of racist blood covenantalism in Christian Reconstruction must be forthrightly rejected on the basis of confessional covenantalism. This is my goal in this essay.

B. What Is a Hybrid?

In 1967, Rushdoony wrote: "In view of the complexity of the problem of defining species, the problem of hybrids is correspondingly dificult. The phenomenon is real, but what is it?... Does the present state of knowledge permit the extensive theorizing so prevalent on

2. This is incorrect. Rushdoony and I have relied on the work of a British Israelite, Curtis C. Ewing, with respect to the structure of the sabbath week of Mosaic Israel. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 134, 511, 830n. Ewing would occasionally attend conferences where Rushdoony or I would speak. He, like Rushdoony, kept the dietary laws. Rushdoony repeatedly cited the work of Howard B. Rand, *Digest of the Divine Law* (Merrimac, Massachusetts: Destiny Publishers, 1943). See *Institutes*, pp. 57, 106, 228, 528n.

3. Michael Barkun, *Religion and the Racist Right: The Origins of the Christian Identity Movement* (Chapel Hill: University of North Carolina Press, 1994), pp. 208–9.

every side of the issue?"[4] He made a good point. The whole question of hybrids and species was scientifically unresolved. He quoted an evolutionist, Irving W. Kornbloch, in what he described as "a very careful and conscientious survey of what is called 'The Role of Hybridization in Evolution' but is actually a survey of hybridization as such. . . ." Kornbloch had written: "If hybridization plays only a minor role in evolution, as some maintain, it is very strange indeed that there are so many vigorous, fertile hybrids in existence today, and more being found each year by those who earnestly search for them." Rushdoony's reply was narrowly focused: "To 'prove' hybrids is one thing, to 'prove' evolution is another." His point was well-taken: the two are not obviously the same.

Then Rushdoony went on to say something that he did not attempt to prove: an attempted neutralization of Kornbloch's assertion of beneficial hybrids. "Kornbloch has only demonstrated, in terms of a particular approach, that hybrids exist. More than that, he has not shown."[5] Perhaps; I have not read Kornbloch's book. But Rushdoony's final retort was simply rhetorical agnosticism: "Does the present state of knowledge permit the extensive theorizing so prevalent on every side of the issue?"

Six years later, all of his previous agnosticism regarding hybrids had departed, although there had been no significant breakthrough in scientific evidence regarding the evils of most hybrids, as far as Rushdoony ever suggested in print. He elevated hybridization in society to the status of covenantal evil, making its eradication a foundational principle in his social theory. In doing so, he moved from covenantalism to racism, as we shall see.

C. Leviticus 19:19: Case Law of Separation

In chapter 17, I provided an explanation of the case law against the interbreeding of cattle, mixing seeds in the same field, and not wearing clothing made of a linen-wool mixture (Lev. 19:19). I identified the underlying principle: *temporary separation*. I explained the first two prohibitions in terms of the mandatory separation of the tribes in Israel, and the third prohibition in terms of separating priestly status from non-priestly status. There had to be a policy of active separation of cattle breeds because of the normal tendency for cattle to inter-

4. R. J. Rushdoony, *The Mythology of Science* (Vallecito, California: Ross House, [1967] 2001), p. 154.

5. *Idem*.

breed. This means that the law had nothing to do with eliminating hybrids. The offspring of two breeds of cattle are not sterile. This was the reason why they had to be separated.

Rushdoony explained Leviticus 19:19 in terms of a biblical principle that there must be no hybrids in society. He discussed this verse in a section he titled "Hybridization and Law."[6] He concluded the section with this assertion: "*Third*, hybridization and unequal yoking involve a fundamental disrespect for God's handiwork which leads to futile experimentation, such as organ transplants, which represent sterile and limited gains in some areas, and a basic loss of moral perspective in every area."[7] Given the fact that Greg Bahnsen was given at least an extra decade and a half of life and productivity because of a pig's valve that was sown into his heart, this conclusion by Rushdoony certainly needs exegetical evidence.[8]

With respect to mixed fabrics, Rushdoony said, "To bring diverse things together in an unnatural union is to despise the order of God's creation."[9] This principle of interpretation—unnatural union—does not stem from Leviticus 19:19, nor is applicable to the passage. Such an interpretation reverses the meaning of the prohibition against the mixing of the seeds. *What is normal within a local species is genetic mixing*. Genetic separation within a species is abnormal: the result of environmental separation. In the case of the prohibition against mixing breeds of cattle or mixing crops in a field, the primary issue in Leviticus 19:19 was symbolic of the mandatory but unnatural preservation of the separate tribes of Israel until Shiloh came, the promised Seed. This is why this temporary prohibition ended when the promised Seed came, overcoming the judicial separation among Israel's tribes, and also between Jew and Greek, bond and free, male and female (Gal. 3:28). Within the confessional covenant of Trinitarianism, such separation is no longer mandated by God.

To the extent that Rushdoony's comment applies only to the prohibition regarding mixed fibers, we need to remember that clothing itself is unnatural. Clothing does not grow on trees or sheep. It is

6. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 253–62.

7. *Ibid*., p. 262.

8. Bahnsen's physician told him that the same sort of congenital heart defect that afflicted him had been invariably fatal a decade before Bahnsen received his first heart operation. There had been no known treatment. Bahnsen died the year after the first edition of *Boundaries and Dominion* (1994) was published.

9. *Ibid*., p. 87.

manufactured. The judicial issue of the third prohibition of Leviticus 19:19 was never the "unnatural" mixing of fabrics; all fabrics are unnatural. The issue was exclusively symbolic and ritualistic. The prohibition against wearing mixed wool-linen clothing had to do with priestly sacrifices and priestly clothing in a nation of priests. Wool makes people retain sweat on their bodies; linen does not. Thus, *ritually speaking*, the two fibers were at cross purposes. They are no longer at cross purposes because the New Covenant has abolished animal sacrifices. Priests today are not told by God what kind of fabric to wear. Sweat is no longer a matter of ritual importance. The new priesthood is clothed in Christ as a result of baptism (Gal. 3:27).

D. The Question of Sterility

Rushdoony's entire subsection is titled, "Hybridization and Law."[10] In commenting on Leviticus 19:19, he reproduced a lengthy extract from Ellicott's commentary, most of which was devoted to a consideration of genetic mixing. Only one sentence refers to mixing wool and linen. Rushdoony said that the hybrid comes at great costs—sterility—"and thereby violates God's creation ordinance."[11] He identified the prohibition against genetic mixing within a species as a *creation ordinance* rather than a temporary ordinance governing national Israel. Then he added that "the commandments clearly require a respect for God's creation."[12]

There never was any such creation ordinance, as Jacob's experiment in miraculous breeding indicates. Jacob's agreement with Laban allowed Jacob to obtain ownership of those sheep and goats that were born in his herds (Gen. 30:33). He used rods to separate his animals from Laban's, and those conceived before the rods were stronger animals, although they were multi-colored and visibly less desirable. Laban wound up with feeble animals; Jacob with stronger (Gen. 30:42). There is no question that Jacob established a system of genetic manipulation. He allowed God to do the work, but he actively intervened in order to let God do the work: "And Jacob did separate the lambs, and set the faces of the flocks toward the ringstraked, and all the brown in the flock of Laban; and he put his own flocks by themselves, and put them not unto Laban's cattle" (Gen. 30:40). The Hebrew word translated *cattle* here can be translated as flock, herd, stock, or possession. It was not limited to bovines.

10. *Ibid.*, p. 253.
11. *Ibid.*, p. 255.
12. *Idem.*

Rushdoony was arguing that *within a species*, sexual mixing is unnatural and is therefore prohibited by biblical law. His argument makes no sense. *first*, what did he mean, "unnatural"? What is natural is interbreeding within a species. What is unnatural is separation. *Second*, if "hybridization" normally produces sterility, then it surely is a case of theological overkill to present the prohibition of hybridization as a fundamental principle of biblical law. Why would biblical law place the supposed principle of anti-hybridization into a position of importance if most hybrids are impotent? Hybrids are hardly a threat to social order. They cannot maintain their own uniqueness down through the generations. Their heirs lose any original unique characteristics as they interbreed. If anything, most hybrids become weaker over time: less able to compete in a natural environment. Their fruits are usually consumer goods, not long-term capital goods. *Third*, the scientific definition of a species is that cross-breeding is possible and normal among its members if they reside in the same environment. Rushdoony's assumption of the normality of genetic separation in nature is incorrect. The opposite is true. Genetic separation in nature, meaning the development of new breeds within a species, is produced by the interplay of reproduction and local environmental changes.[13] Species do not evolve, but local variants of a species can change in response to environmental changes. One such environmental change is technology: men's development of specialized breeding techniques.[14]

Hybrids themselves were of no concern to the Mosaic law. What was of concern was the active *scientific process of interbreeding* inside the boundaries of Israel. The prohibition against interbreeding was a prohibition against the production of *newer, more productive breeds* within the boundaries of Israel. The Israelites could lawfully import new breeds, but then they had to keep them separate from the existing ones in the land. Interbreeding was lawful outside of Israel's boundaries. There was never any creation ordinance against interbreeding.

Here is one additional piece of evidence that is worth noting: the mule. This is the classic animal hybrid: the normally sterile product of horse and donkey. It is a very strong work animal. It was used as

13. The ability of insects to adapt to pesticides is an example. A plant species' ability to develop resistance to blight is another.

14. Walter E. Lammerts, a pioneer in the Scientific Creation movement, was a highly successful breeder of roses. His roses won numerous international prizes. Lammerts, "The Scientific Creationist Movement in the United States: A Personal Account," *Journal of Christian Reconstruction*, I (Summer 1974).

a military animal in ancient Israel (I Chron. 12:40).[15] Its presence in the household of the kings (II Sam. 13:29; I Kings 10:25) and the presence of 245 mules among those who returned to Jerusalem from Medo-Persia (Ezr. 2:66) indicate that there was never any creation ordinance against hybrids. If there had been, Ezra and Nehemiah would have kept such beasts out of the land when they returned to rebuild. Mules could be imported, even though it was not legal to breed horses and donkeys to produce them. *The deliberate mixing of seeds was illegal, not the offspring as such*. The judicial issue was representational, not biological: tribal separation in Mosaic Israel until the promised Seed came. Confessional unity in Mosaic Israel was subordinated to tribal unity only until this messianic prophecy was fulfilled. Considered from the point of the confessionalism of pre-Mosaic and post-Mosaic law, the law against the mixing of seeds was abnormal, i.e., not representative.

E. The Lure of Racism

Rushdoony's mistake regarding the importance of a law against "hybridization" was not some minor exegetical slip, nor is the application he makes with it. His identification of Leviticus 19:19 as a law prohibiting genetic intermixtures can produce serious theological and judicial consequences. It can lead directly to racism. Rushdoony's analysis and subsequent applications of Leviticus 19:19 are sufficient proof.

When applied to humanity, Rushdoony's argument is the once-familiar segregationist argument against racial mixing—"the mongrelization of the white race," as it is sometimes described.[16] Rushdoony did not resort to such crass language, but his interpretation of Leviticus 19:19 insists that genetic separateness within a species is both normal in nature and universally required by biblical law. The man-imposed exceptions to this supposedly normal *and normative* process of sexual separation have been outlawed by God, he insisted. Man supposedly must not attempt to produce hybrids—a creation ordinance that is permanent in history.

15. It was still being used during the American Civil War (1861–65): an important beast of burden for military transport.

16. Such language is now confined to neo-Nazi cults, racist cults, and some of the more aggressive branches of British Israelism.

1. Inter-Racial Marriage

Rushdoony did not hesitate to apply this exclusionary principle to inter-racial marriages. first, he wrote that "St. Paul referred to the broader meaning of these laws against hybridization, and against yoking an ox and an ass to a plow (Deut. 22:10), in II Corinthians 6:14."[17] Broader meaning of the seed laws, yes; judicial specifics, no. Paul wrote: "Be ye not unequally yoked with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?" The issue here is faith. Christian faith overcomes all other divisions, including the Mosaic seed laws. (Note: Deuteronomy 22:10 immediately precedes a parallel verse to Leviticus 19:19c—no mixing of wool and linen—indicating that Leviticus 19:19c refers to *covenantal-confessional* separation, not tribal separation.) Second, Rushdoony wrote: "But Deuteronomy 22:10 not only forbids unequal religious yoking by inference, and as a case law, but also unequal yoking generally. . . . The burden of the law is thus against inter-religious, inter-racial, and inter-cultural marriages, in that they normally go against the very community which marriage is designed to establish."[18] Note his asserted equivalents: inter-religious marriages and inter-racial or inter-cultural marriages. He was not speaking here merely of civil law; he was speaking of biblical law in general.

The shift in his argument is both subtle and significant. He was not arguing that inter-racial marriages do not produce children. Such unions are not biologically sterile. Then are inter-cultural marriages genetically sterile? He did not argue that they are. So what has "hybridization" got to do with either type of marriage? Genetically speaking, not a thing. *Rushdoony shifted his argument from genetics to race and culture*. He moved from a case law of the Bible regarding cattle, planting, and clothing to a racial-cultural application. He invented a legal category of "hybridization" in order to apply it to inter-racial and inter-cultural marriages. What he was saying is that such marriages are *covenantally* sterile. The problem is, this is a denial of the New Testament doctrine of the gospel's power to break down the wall separating Jew from Greek, bond from free. His theology of sterility mixed a false interpretation of a case law with traditional hostility to "inferior races."

The standard of *unequal covenantal yoking* unquestionably applies to marriage. Rushdoony was correct on this point: Paul makes this

17. Rushdoony, *Institutes*, p. 256.
18. *Ibid.*, pp. 256–57.

clear in II Corinthians 6:14. This Pauline prohibition is universally believed by orthodox Bible commentators to apply to marriage covenant. Almost all commentators believe that it also applies to the church government, although expositors in the Erastian, state church tradition may choose to downplay this. Christian Reconstruction teaches that this biblical principle of covenantal separation must also apply to civil government: not in Christians' dropping out of political life, which is pietism's recommended solution to the "unequally yoked" dilemma in civil government, but in the eventual exclusion of non-Christians from the franchise and from all public ofices, after a nation is overwhelmingly Christian in its public confession. (Late in his career, Rushdoony began to deny in public the obvious civil application of the "no unequal yoking" covenantal principle, preferring instead to defend traditional political pluralism's anti-Trinitarian U.S. Constitutional settlement.)[19]

The judicial standard involved in the biblical concept of "yoking" is exclusively covenantal: public confession of Trinitarian faith, local church membership, the regular celebration of the Lord's Supper, and public obedience to God's law. For a Christian to deny salvation through faith in Jesus Christ is apostasy. To refuse to join the local church is an assertion of one's judicial autonomy. To refuse to celebrate the Lord's Supper is self-excommunication. To deny the law of God is antinomian. A Christian should not marry anyone who is remiss in any of these four areas. To be remiss in any of them is to break covenant with God. But marrying a Christian from another race or another culture is not covenant-breaking.

This principle of covenantal discrimination applies to each of the three institutional covenants: church, state, and family. "Equal yoking" means a public commitment of all covenantal participants to the Athanasian creed or some other Trinitarian creedal statement, as well as church membership. *The judicial issue is faithfulness to the covenantal oath*. "Equal yoking" is strictly a judicial concept. "Unequal yoking" is therefore also strictly a judicial concept; as such, it has nothing to do with race or culture: in family, church, or state.[20] It has noth-

19. See his explicit denial of theocratic politics in the transcript of his nationally televised interview with Bill Moyers, "God and Politics: On Earth as it Is in Heaven," Public Affairs Television (Dec. 23, 1987). MOYERS: "Is that the kind of society, where Christianity is the official religion, like it was in Armenia?" RUSHDOONY: "No." (Transcript, p. 7.)

20. Obviously, if two people cannot speak the same language, they may have future marital problems. This is not a valid covenantal objection to their marriage. The pre-

ing to do with community standards except to the extent that these derivative standards are confessionally Trinitarian—a product of the covenant.

2. The Marriage Covenant

Marriage is a covenant; it is governed by God's law. Rushdoony accepted this view of Christian marriage and used it to develop a theological defense of divorce based on the Mosaic law.[21] The view of marriage as a lawful covenant established by oath between two individuals under God's authority leads to a significant conclusion: unless we abandon the Bible's identification of marriage as a covenant, we cannot legitimately say that "normally" marriages are this or that in a judicial sense. Marriages are either legal or illegal; there is no criterion of "normality" in a covenant bond except whatever is mandated by God's law. In the case of marriage, the law is indeed a creation ordinance (Gen. 1:26–28). To the extent that man's laws interfere with this biblical covenantal principle, the marriage covenant becomes inescapably antinomian and perhaps even pagan. Rushdoony fully understood this, which is why he attributed "creation ordinance" status to the principle of genetic separation in Leviticus 19:19, and then moved to cultural and racial applications. He sought to transform *community opinions* regarding race into a *judicially binding* category.

Marriage is a covenant under God. A covenant is inescapably judicial.[22] Marriage is established by a binding oath.[23] Therefore, by applying any judicial criterion, including a supposed creation ordinance, to the question of the lawfulness of a marriage necessarily elevates this criterion to covenantal status. Rushdoony made it clear what this supposedly biblical criterion is: anything that goes "against the very community which [marriage, citizenship, or church membership] is designed to establish." Once this *confessionally empty* ju-

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sumption is, one or both will learn the other's language. This is also true of churches. Members of churches cannot lawfully be excluded from the Lord's Supper because of a language barrier. Should a person be excluded from citizenship because of a language barrier? No. But he will have trouble being elected to public ofice. He can be barred from voting on the basis of functional illiteracy in the language on the ballot, but states that require secret ballots—only one person per booth at a time—can and should provide translations on the ballot for major linguistic groups.

21. Rushdoony, *Institutes*, pp. 401–15.

22. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987]1992), ch. 3.

23. *Ibid.*, ch. 8.

dicial criterion—*community preference*—is applied to one covenantal institution, we cannot easily restrict it to that institution. Community preference, once elevated to a fundamental judicial ideal, breaks all covenantal boundaries. Thus, if Rushdoony were consistent in his discussion of marriage as the basis of community and the community's preferences as judicially sovereign, he would have to apply this principle of "what the community wants" to the covenants of church and the state. His overall covenantal theology rejects the lawfulness of such community intervention. This indicates that his view of hybrids and race was anti-covenantal.

F. Compulsory Segregation vs. Biblical Law

He began writing *Institutes of Biblical Law* in the late 1960s, when the civil rights movement in the United States was in its radical phase. The word "integration" at that time had a very specific frame of reference: racial. Federal courts and troops had been forcing the racially segregated South to integrate its public institutions from the late 1950s through the 1960s. Rushdoony broadly defined "enforced integration" as any attempt by a higher judicial agency to overrule local community preferences. He wrote: "Unequal yoking means more than marriage. In society at large it means the enforced integration of various elements which are not congenial."[24] To say that southern white segregationists and black integrationists were uncongenial in the 1960s is putting it mildly.

1. Lynching

Lynching[25] of blacks by white mobs of varying sizes and motivations had been a familiar practice in the South for over a century: imposing the negative sanction of death apart from a civil trial. Prior to the Civil War, abolitionists had been lynched, sometimes in Northern states. In New York City's week of anti-draft riots (July 13–17, 1863), at least eleven blacks were murdered out of at least 105 people who died.[26] After the Civil War, lynchings took place in the Midwest and West, though rarely in the Northeast; over 80% of the victims

24. Rushdoony, *Institutes*, p. 257.

25. Named after Virginia judge Charles Lynch, who convicted and hanged Loyalists during the American Revolution. Walter F. White, *Rope and Faggot: A Biography of Judge Lynch* (Salem, New Hampshire: Ayer, [1929] 1969).

26. Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York: Oxford University Press, 1990), p. 282 (blacks murdered), p. 5 (total deaths of 105).

were white.[27] The largest percentage of lynchings took place in the South; by 1900, the phenomenon was confined to the South. Far more black males were lynched in the South than before the Civil War. Before the war, most blacks were owned and came under legal protection. Lynching became a socially acceptable community practice in the post-Civil War South. One estimate places the number of lynchings in the South, 1880–1930, at almost 4,000: over 700 whites and over 3,200 blacks.[28] In 1880, 32% of the victims were white; in 1930, only 9% were.[29] Sometimes accompanying lynchings were acts of torture, burning, and even dismemberment, especially when mobs were large.[30] Lynchings were rituals.[31] Judicially, there were few risks to these murderers. Trials for people accused of lynching blacks were rare in the South; convictions were virtually nonexistent. While the "strange fruit"[32] of black men hanging on trees steadily disappeared after the 1930s and was almost gone by the 1950s, the lynching mentality still existed among the die-hard white segregationists.

The fact is, on racial matters (as on slavery matters prior to 1865), the South's community standards for civil justice for blacks were radically unbiblical: (1) denying the legal basis of slave marriages; (2) denying legal protection for the slave; and (3) no system of guaranteed redemption.[33] Thus, Rushdoony's critical comment on slavery in general applies to Southern slavery: "Modern man seeks to avoid the yokes of community life in Christ, and he falls under the heavy yoke of the state."[34] In this case, the state in question was local; neither state governments nor the national government had the means of enforcing justice in the American South prior to 1930. Local police forces and sheriffs enforced the law.[35] The local institutions of civil government in the South were sometimes tyrannical toward freed blacks after 1865. The most blatant judicial forms of this lo-

27. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana: University of Illinois Press, 1993), p. 8.

28. Monroe Work (ed.), *The Negro Yearbook: An Annual Encyclopedia of the Negro, 1931–1932* (Tuskegee, Alabama: Negro Year Book Publishing, 1931), p. 293; cited in *idem*.

29. *Idem*.

30. *Ibid*., p. 42.

31. *Ibid*., ch. 2.

32. The title of a 1939 song made famous in the North and infamous in the South by black blues singer Billie Holiday.

33. Gary North, *Tools of Dominion: The Case Laws of Exodus* (Tyler, Texas: Institute for Christian Economics, 1990), pp. 232–44.

34. R. J. Rushdoony, *Law and Society*, vol. 2 of *Institutes of Biblical Law* (Vallecito, California: Ross House, 1982), p. 69.

35. Brundage, *Lynching*, p. 161.

cal tyranny were abolished by the U. S. Supreme Court and Federal marshals and Federal troops, 1954–70. When Southern blacks once again got the right to vote,[36] local politicians in the South "felt the heat," and therefore "saw the light." They changed. When Southern blacks imposed the sanction of the vote, they were not trying to make Southern politicians better people; they were merely making them more responsive to a significant new political pressure group. The underlying covenantal issue was political sanctions, not political salvation, although the rhetoric of salvation was commonly employed by civil rights reformers.

2. Judicial Neutrality

Rushdoony attempted to skirt the covenantal issue by an appeal to judicial neutrality: neither a pro-segregation nor a pro-integration judicial standard. This line of argument is an implicit denial of his fundamental philosophical premise, namely, that there can be no neutrality. But in racial matters, he insisted, there can be such neutrality judicially. In 1971, he wrote:

> Let us consider one aspect of that [class] conflict, the racial situation. The attempts to force integration and to force segregation by law are very old. With Assyria, forcible integration was a policy of state. All these attempts failed when the social conditions militated against them. If two peoples were relatively equal and religiously congenial, integration quickly followed, despite all legal obstacles. Where the differences were marked, neither opportunity nor law was able to bridge the gap. Neither legalized integration nor segregation accomplish anything more than to aggravate a situation. To introduce the state into an area of personal, religious, and moral decision is to abdicate the harmony of classes for a statist imposition. If a person or if a people are inferior, nothing can compel their rise; if they have a potential, why prevent their development? Where there are religious and social reasons against mixed marriages, nothing can further such marriages as long as the faith and the society are strong. If these factors are invalid or disappear through disbelief, nothing can prevent integration in the short or long run.[37]

This line of reasoning is basically the same as the one Gamaliel took with respect to the civil suppression of the Jerusalem church by the Jerusalem rabbinical council. If the church is of God, he said, it will flourish despite persecution; if it is not, then it will fail (Acts 5:34–

36. They possessed this right during Reconstruction, 1865–1877.

37. *Chalcedon Report #68* (April 1971). Reprinted in Rushdoony, *The Roots of Reconstruction* (Vallecito, California: Ross House, 1991), p. 746.

39). It was an argument for *toleration based on judicial inaction*. But this argument departed from the Mosaic law's mandatory civil sanctions against a call to false public worship (Deut. 13). Gamaliel, in his call for civil neutrality, necessarily called the Jewish authorities to abandon Moses, for he did not call them to accept Jesus' testimony in the name of Moses, which Jesus had done (John 5:45–46). His call for religious toleration was not merely a call based on a theory of religious neutrality; it was a call to abandon the Mosaic law. We should not interpret either argument for state inaction—Rushdoony's or Gamaliel's—as judicially neutral. They are not neutral; they are accomodationist.

3. Rushdoony's Two Choices

In Rushdoony's case, he had only two choices: (1) come out against Federal laws against state laws that enforced segregation, or (2) come out in favor of Federal laws—and Federal troops—enforcing laws that abolished state laws that enforced integration. There was no third choice. Either state laws enforcing segregation would be enforced or they would not be. By denying the legality of state laws enforcing segregation, the Federal government's position was not inherently integrationist; rather, it was for social voluntarism—what Rushdoony said he believed in. People in the South would be allowed to marry whomever they pleased without state laws prohibiting this on the basis of race. But Rushdoony did not call for support of such Federal legislation and Supreme Court interpretations. He opposed the civil rights movement, as his writings from the era reveal. In 1966, he quoted favorably the words of Lyndon Johnson in 1948: "The civil rights program, about which you have heard so much, is a farce and a sham . . . an effort to set up a police state in the guise of liberty. I am opposed to that program. I fought it in the Congress. It is the province of the state to run its own elections."[38] Johnson was substituting state judicial sovereignty for Federal judicial sovereignty, i.e., the sovereignty of segregationist states in the South. He was promoting the view that negative political sanctions imposed by black voters would not be brought against white segregationist politicians like himself. When his political base changed—from U.S. Senator from Texas to President of the United States (1963–1969)—his view of sovereignty changed. He became an advocate of civil rights. Rushdoony criticized the later Johnson by quoting the earlier Johnson. But in doing so, he necessarily came down against Federal laws abolishing segregation.

38. *Chalcedon Report No. 5* (Feb. 1, 1966), in *Roots of Reconstruction*, p. 551.

What if a local civil government has previously introduced a restrictive marital standard? What if it has made illegal all inter-racial marriages? What should a higher civil court do? Nothing? Then it accepts the local court's compulsory segregationist standard. It has not acted in a judicially neutral manner, for there is no judicially neutral manner. Should the higher court declare the law unconstitutional? Then it necessarily interferes with regional community standards. There is no escape from some judicial standard. There is no judicial neutrality.

Let us get this point clear: *civil government-enforced racial segregation is biblically illegitimate*. The state should not dictate to anyone that he must not marry someone, except in cases of incest or a previous marriage. A higher court must declare as invalid any local law that forbids marriages on the basis of race. This is a biblically mandatory restriction on any local community's authority to legislate laws governing the racial aspects of marriage. This is not a civil vote for or against inter-racial marriages; it is a civil vote of "no confidence" with respect to the state's authority to compel decisions in this area of life.

4. A Covenantal Issue

The issue here is covenantal. Rushdoony knew this, and this fact led him to modify his doctrine of community preferences to this extent: "The effects of integration have too often been studied only by proponents and opponents of integration. Unfortunately, both believe that enforced integration is possible. From the days of the Assyrians, who moved nations and peoples about to homogenize their empire, to the 20th century, such attempts have been failures. People do not inter-marry unless a common faith, culture, and standard brings them together. Then, they cannot be kept apart."[39] But if this is true of marriage, then there can be no valid civil or ecclesiastical law against inter-racial marriages if the partners share the same confession of faith, no matter what local community standards happen to be—the opposite of what he argues in the *Institutes of Biblical Law*.

There is a fundamental schizophrenia in Rushdoony's doctrine of the marriage covenant specifically and covenantalism generally. This schizophrenia stemmed in part from an incorrect interpretation of the Mosaic laws prohibiting genetic mixing. This led him to elevate community racial standards over biblical law in the name of a creation ordinance that never was.

39. *Chalcedon Report #74* (October 1971); *Roots*, p. 769.

G. Standards for Exclusion

What criteria determine which group is excluded from what covenantal organization? Rushdoony had already made his view plain: *community standards*. Let me quote him again: "The burden of the law is thus against inter-religious, inter-racial, and inter-cultural marriages, in that they normally go against the very community which marriage is designed to establish."[40] But there are also church communities and political communities. Are they also autonomous from biblical law? Can they lawfully ignore a creation ordinance? Racism spreads. The concern of Rushdoony's analysis here is not with a specific biblical limit on state authority. His analysis rests on an all-inclusive principle: *a creation ordinance*. He announced the existence of a creation ordinance in order to justify a view of marriage based on community standards of order and propriety. Rushdoony's assertion of the existence of a creation ordinance of genetic separation led him to embrace in principle the humanistic theory of society that he elsewhere opposes so eloquently: John Dewey's view of community standards and community authority.[41]

In Christ, the only valid standards for judicial exclusion in a formally covenanted church, state, or family are: (1) denying the Trinitarian faith (or oath) and (2) repeatedly breaking God's law as a way of life. Race is not a valid standard for covenantal exclusion, and wherever race becomes such a means of exclusion within any organization that is bound by a common confession of faith, it works against the ideal of the biblical covenant. There is no earthly court-enforceable biblical law against personal separation from others outside of church, but there can be no valid judicial exclusion of any race from the rights and obligations of the ecclesiastical covenant. Any program of enforced racial segregation within a covenantal institution is judicially evil. Annulling such a program by higher law within that covenantal hierarchy is not itself a program of enforced racial integration. Rather, it is merely prohibiting a judicial evil: state-enforced racial segregation.[42]

It is true the national government in the United States has abol-

40. Rushdoony, *Institutes*, p. 257.

41. On Dewey, see R. J. Rushdoony, *The Messianic Character of American Education: Studies in the History of the Philosophy of Education* (Nutley, New Jersey: Craig Press, 1963), ch. 15.

42. This should not be understood as a legitimation of laws requiring businesses to serve people or hire employees irrespective of race. Economic discrimination is not a covenantal act. If a business decides to hire or not to hire people of a certain race, the state should remain silent. Civil laws prohibiting economic discrimination inevitably

ished state laws prohibiting inter-racial marriages. This is not the same as forcing racially different individuals to marry. To confuse the two is a monumental confusion. It is a confusion based on racism.

H. Judicial Review

The biblical judicial issue of race in the United States in the 1960s was not enforced integration, whatever the humanistic judicial issue was. The biblical issue was this: *illegally enforced racial exclusion from the voting booth, i.e., access to civil covenant sanctions*. Blacks were being kept from exercising their legitimate civil right of imposing civil covenant sanctions on civil rulers. They were being excluded by state and local laws from participating in a republican civil rite of covenantal renewal. *The civil rights movement was judicially a civil rites movement*. Senator Lyndon Johnson understood this in 1948. He affirmed his commitment to keep blacks away from this rite of covenant renewal—the imposition of civil sanctions.

The state has neither the authority nor the power to make men into better people. It cannot lawfully or successfully force people to have warm feelings toward their neighbors. But the state does have the God-given authority to impose sanctions against certain evil acts. For example, if a lower branch of civil government is excluding people from the civil franchise or from access to civil institutions on the basis of anything except their lack of a covenantal profession of allegiance or their legal status as criminals in prison, a higher civil court has the obligation to annul that exclusion. Such a judicial annulment is not inherently an example of forced integration, although it can be and has been an aspect of a larger program of forced integration. Rather, it is the judicial annulment of a covenantally illegal law that forcibly excludes people from the legitimate ofice of citizen—those who impose sanctions in the voting booth. The American South enforced such illegitimate laws for almost a century, 1877–1970. The national government, for political reasons, went along with this illegal covenantal exclusion. This cooperation between national and local civil governments ended in the decade of the 1960s.

The national government's application of new civil sanctions did change millions of white people's minds in the South, 1957–1970, unlike the application of far more rigorous military sanctions during

become laws mandating quotas. Bureaucrats, if they are to be restrained in their quest for power, must be provided with written numerical ratios as guidelines to determine whether or not racial (or other) discrimination is taking place. This means quotas.

Reconstruction, 1865–77. No one in the South today publicly laments the annulment of the various "Jim Crow" segregation laws; the climate of opinion has changed.[43] Jim Crow laws have gone the way of chattel slavery, but these laws were no less enthusiastically afirmed by white Christians in the South, 1890–1960. But the overall climate of moral and political opinion among the non-Christian, university-educated elite of the South regarding the locus of political sovereignty—Federal rather than state—had steadily changed during the twentieth century. Thus, the specific climate of opinion regarding segregation shifted rapidly, 1957–1970, when Federal sanctions were imposed. What the North's military governments of the Reconstruction era had not accomplished, 1865–76, humanistic public education, nationally marketed textbooks, college education, theological liberalism, and President Johnson's Civil Rights Act of 1964 did accomplish.

Rushdoony's misidentification of the judicial annulment of illegal racial segregation in public institutions as necessarily a product of "enforced integration" is a variation of a similar error on his part: identifying the Supreme Court's covenantal obligation to strike down bad or unconstitutional laws as an illegitimate attempt to make men good. That is, he rejected a court's decision to refuse to enforce a morally bad law or unconstitutional law because this would mean that the court is attempting to make men good. He wrote: "*Second*, we must remember that the Constitution can make no man nor nation good; it is not a moral code."[44] He confused the biblically legitimate concept of judicial review—annulling bad laws—with biblically illegitimate messianic acts of state healing: salvation by law. A messianic view of civil law is at odds with the fundamental legal position of the Bible, which presents the state as God's monopolistic agency for the coercive suppression of public evil.[45] But if we reject the principle of judicial review in the name of anti-messianism, we are left without any means of judicial appeal (Ex. 18). If the mere annulment of a bad law is discussed as if it were inherently a case of imposing positive civil

43. C. Vann Woodward, *The Strange Career of Jim Crow*, 3rd ed. (New York: Oxford University Press, 1974); I. A. Newby, *Jim Crow's Defense: Anti-Negro Thought in America, 1900–1930* (Baton Rouge: Louisiana State University Press, 1965). Cf. Charles S. Mangum, Jr., *The Legal Status of the Negro* (Chapel Hill: University of North Carolina Press, 1940).

44. R. J. Rushdoony, "The United States Constitution," *Journal of Christian Reconstruction*, XII (1988), p. 22. For a discussion of Rushdoony's confusion on this distinction, see Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), pp. 687–91.

45. Chapter 16.

sanctions (which biblical law rejects), then there cannot be lawful judicial review. This would go far in destroying the judiciary.[46]

The principle of judicial review applies to hierarchical church courts. Any local church that excludes people from membership on the basis of race must be disciplined by its denomination or association. The local church must be excluded from the larger fellowship for its practice of unjustly excluding people from the local fellowship. It does not matter what the local church's "community" thinks. The issue is quite simple: What are the judicial terms of God's covenant? They are never racial in the New Covenant. They were never racial in the Old Covenant, either. For example, the exclusion of Ammonites and Moabites from citizenship for 10 generations (Deut. 23:3) was judicially based on the origin of both those nations in Lot's drunken incest with his daughters (Gen. 19:31–38). The descendants of bastards were also excluded for 10 generations (Deut. 23:2). The covenantal issue here was not race; it was covenantal rebellion. Biblical laws of exclusion are confessional and moral.

I. Sovereignty: From the Bible to the Community

Leviticus 19:19 commanded the Israelites to keep their breeds of cattle separated. This meant that they could not lawfully breed their cattle systematically. The law also required them to keep the seeds of different crops separate from each other in any given field. finally, they could not wear cloth of a linen-wool mixture.

These first two laws spoke of separation: separating the confessionally identical and culturally similar tribes of Israel. The third law required them to avoid clothing that symbolically testified to equality between priest and non-priest. None of this had anything to do with a prohibition of hybrids. None of this had anything to do with the separation of races and cultures. This had to do, first, with separating similar tribes until Christ, the promised Seed, came in history. Second, it had to do with the separation of God's priestly nation from non-priestly nations.

Rushdoony invented a supposed creation ordinance of hybridization. Then he applied this mythological judicial principle to inter-racial marriages—marriages between partners who may share the same cov-

46. This does not mean that decisions by the courts should not be appealed to a combined review of the executive and legislative branches. See North, *Political Polytheism*, pp. 502–13. There should be no single institution that possesses final jurisdiction in history. Every doctrine of divine right challenges God as the only final court of appeal.

enantal confession. He identified local community standards of order as the standards that must govern marriages. *This transfers sovereignty over the marriage covenant from God's law to the local community*. This new sovereignty, which Rushdoony offered in the name of biblical law, cannot easily be restricted to the marriage covenant: unless there is some higher biblical principle to stop it, the doctrine of community sovereignty moves into church and state. We have seen where this leads: to humanism, both right-wing (Scottish Enlightenment Whiggery) and left-wing (totalitarianism).

Rushdoony invoked a creation ordinance. What higher principle is there than a creation ordinance? It is more fundamental than Mosaic law. Only a New Testament law possesses greater authority. There is such a law—no separation between Jew and Greek, free and bond—but Rushdoony ignored it. He wanted to keep superior races and inferior races separate until such time as local community standards approve of covenantal bonding, i.e., marriage under the authority of the local community's judicially autonomous covenant. Any appeal beyond this authority—whether to biblical covenant theology or the U.S. Supreme Court—Rushdoony rejected as marks of integrationism in the 1960s and 1970s. He never publicly abandoned this position.

Rushdoony concluded his discussion with these words: "Hybridization is an attempt to deny the validity of law. Its penalty is an enforced sterility. In every area, where man seeks potentiality by a denial of God's law, the penalty remains the same, limited gains and long-range sterility."[47] He moved from a biological phenomenon to a social metaphor. He took this metaphor very seriously—judicially seriously. His defense of biblical law therefore suffers.

Conclusion

Rushdoony's defense of a non-existent creation ordinance is a classic example of what Van Til identified as circular reasoning. Rushdoony's discussion of hybridization begins with a presupposition: genetic sterility is morally evil and therefore biblically prohibited. Yet the Bible says nothing about this sterility aspect of animal or plant breeding. It prohibits the mixing of seeds in one field, but it does not identify sterility as the reason for the prohibition. To make his case, Rushdoony had to ignore the fact that Israel brought mules—genetically sterile—into the land after the exile (Ezr. 2:66).

47. Rushdoony, *Institutes*, p. 262.

Then he moved from genetic sterility, which he called hybridization, to social sterility. His argument implicitly assumes that certain practices he disapproved of are socially "sterile." These practices included inter-racial marriages between "inferior" and "superior" races, as defined by local community standards. He also rejected all organ transplants.[48] To make this case, he invented a creation ordinance that never existed—a law against hybridization—and then he transplanted this theological construct to practices he did not personally approve of. He was implying that the supposed creational prohibition against biological mixtures is the symbol of a prohibition against certain kinds of inter-racial marriages, among other practices. Such marriages must await community approval before they can become covenantally valid. He thereby subordinated the marriage covenant to community opinion. *This is humanism, pure and simple*. It is John Dewey disguised as John Calvin: community over confession. If taken seriously, it could all too easily become Martin Bormann disguised as Martin Luther: race over reformation.

This kind of biblical exposition is, as Rushdoony derisively called it elsewhere, *eisegesi*s: reading into the text of Scripture things which the expositor dearly wants the text to say, despite the fact that the text says nothing of the kind. It is surely not exegesis: deriving from the text the message God wishes to communicate. That there are racial differences among men is obvious, an aspect of the worldwide division of labor (Gen. 11; I Cor. 12). But there is only one difference that matters covenantally in church, family, or state: theological confession. Here is the great dividing line. Rushdoony's discussions of biological hybrids and race relations have obscured this covenantal line of demarcation.

There was never a creation ordinance against hybrids. There was a temporary Mosaic seed law that symbolized the prohibition against marriages that crossed tribal boundaries inside Mosaic Israel. This law ended forever with the coming of the New Covenant and the fall of Jerusalem in A.D. 70. There was no tribal inheritance to be preserved in Israel once the promised Seed had come. There was no tribal system in Israel after A.D. 70.

48. There is a lingering suspicion in my mind that he began with certain views on race and went looking for a biblical reason to justify them.

APPENDIX G

MALTHUSIANISM VS. COVENANTALISM

And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

GENESIS 1:28

That in blessing I will bless thee, and in multiplying I will multiply thy seed as the stars of the heaven, and as the sand which is upon the sea shore; and thy seed shall possess the gate of his enemies.

GENESIS 22:17

And thou saidst, I will surely do thee good, and make thy seed as the sand of the sea, which cannot be numbered for multitude.

GENESIS 32:12

The message is clear: the primary blessing in history is an expanding population of covenant-keepers. Man's dominion assignment from God mandates population growth. God's covenantal promise to Abraham involved a multiplication of his heirs. World dominion and population growth are linked.[1]

This fact is no longer taken seriously by most Protestant Christians. It is, however, taken very seriously by the zero population growth movement, which sees man as the cancer of the world. Man's dominion over nature is seen as the ultimate threat to nature. Bill McKibben has stated this theology well: "We have deprived nature of its independence, and that is fatal to its meaning. Nature's inde-

1. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and* Dominion (1985), ch. 1.

pendence *is* its meaning; without it there is nothing but us."[2] Nothing but man: this is blasphemy in the minds of modern pantheists and nature-worshippers.

Nature's meaning, like all meaning, is provided by God and His decree. Man is to represent God in history. Through covenant-keeping men, nature receives its God-given meaning. This is why population growth of covenant-keeping men is so important. Man is to fill nature, thereby subduing it: for God's glory, in His name, and by His law. Such a view of man and nature is horrifying to modern, covenant-breaking man.

There is another factor to consider: the fixed number of demons. Satan's demonic followers constitute a numerically fixed host: no reproduction. Angels do not reproduce (Matt. 22:30). Therefore, as human covenant-keepers grow in numbers, the ratio of demons to covenant-keepers falls. The ability of Satan's host to influence events also falls. Like jugglers who try to juggle an ever-increasing number of oranges, so is Satan's host. The same is true of his earthly imitators, who adopt centralized economic planning as their means of prosperity and control—above all, control. As British philosopher and radical Bertrand Russell openly admitted in 1923, "Socialism, especially international socialism, is only possible as a stable system if the population is stationary or nearly so. A slow increase might be coped with by improvements in agricultural methods, but a rapid increase must in the end reduce the whole population to penury, and would be almost certain to cause wars."[3]

A. The Legacy of Malthus

The legacy of Malthus—or at least the Malthus of 1798—is still with us. He altered his thesis decisively after 1798, abandoning his scientifically unsupported rhetoric of a geometrically increasing human population bounded by arithmetical increases in food. His disciples, however, still cling to the myths of the original edition of his *Essay on Population*.[4]

Rev. Malthus was not committed to the Bible's message of the blessings of large families (Psalm 127) and the goal of population

2. Bill McKibben, *The End of Nature* (New York: Random House, 1989), p. 58.

3. Bertrand Russell, *The Prospects of Industrial Civilization*, 2nd ed. (London: George Allen & Unwin, [1923] 1959), p. 273.

4. Thomas Robert Malthus, *An Essay on the Principle of Population* (New York: Penguin Books, [1798] 1982).

growth for covenant-keeping societies (Gen. 15:5). He was an opponent of what would be called the economics of growth. He contrasted Adam Smith's wealth of nations with what he called the happiness of nations, especially the laboring classes.[5] He was concerned with improving what today is called the quality of life, which he, like his disciples, contrasted with "mere" economic growth. He defined economic growth in terms of an increase in the supply of things. Had he defined economic growth as "an increase in the number of choices at the same price as earlier," he would have had to modify his suggested contrast between the quality of life and economic growth.

Malthus worried greatly about population growth, not for what it supposedly will do to disrupt the environment, but because of the famines and wars that a growing population supposedly must produce in a finite world. He worried about the fate of man, not the fate of nature. While he would have agreed with the title of the 1972 book by Campbell and Wade, *Society and Environment: The Coming Collision*, his concern was with the environment's effects on society, not society's effects on the environment.

The Green movement, the ecology movement, and the zero-population growth movement are united in their commitment to the Malthusian mythology regarding the necessity for population control. But, unlike Malthus, they want the state to impose these restraints, including abortion.

The fundamental dividing issue between the biblical view of growth and the anti-growth movement's view of growth is eschatological. The Bible predicts the end of the world. Time is inescapably bounded. The Bible affirms the moral legitimacy of growth in history, but it also affirms that history is bounded. Those who reject the biblical doctrine of the final judgment at the end of time offer a rival scenario: unbounded time and bounded growth. They understand that we cannot have unbounded time and unbounded growth in a finite world. They prefer a worldview based on unbounded time. They are not committed to overcoming the environmental limits to growth. They are committed to overcoming the eschatological limits to time. Given the biblical doctrine of the post-judgment lake of fire (Rev. 20:9–10), this is understandable.

Christians who do not recognize the existence of this underlying eschatological dispute have been swept into the anti-growth movement by the power of its promoters' rhetoric, not by the logic of their

5. *Ibid.*, ch. XVI.

arguments. It is time to consider not only the arguments of the anti-growth movement, but also its hidden agenda: elitist, coercive power over the decisions of the vast majority of producers, better known as consumers.

B. The First Edition's Slogan

Malthus' concern over man's growing population began in the generation when the growth of England's population became visible to social analysts. One of the most famous phrases in the history of economics is the statement in the first edition of Rev. Thomas Robert[6] Malthus' *Essay on the Principle of Population* (1798): "Population, when unchecked, increases in a geometrical ratio. Subsistence increases only in an arithmetical ratio."[7] On the basis of these two supposed laws of nature, he concluded: "By that law of our nature which makes food necessary to the life of man, the effects of these two unequal powers must be kept equal. This implies a strong and constantly operating check on population from the difficulty of subsistence. This difficulty must fall somewhere and must necessarily be severely felt by a large portion of mankind."[8] What is not generally known by those who cite Malthus' famous statement about comparative rates of growth, mankind vs. food supplies, is that he removed this scientific-sounding statement from later editions of his essay. He later recognized that it could not be supported by the evidence, and in fact was refuted by the evidence.

Like Marx and Engels' *Communist Manifesto* (1848), Malthus' most famous work was initially published anonymously.[9] Malthus wrote it as a reaction to some of the more optimistic speculations of several Enlightenment and utopian thinkers. In the lengthy original title of his essay, he specifically identified the Marquis de Condorcet and the egalitarian William Godwin, the poet Shelly's father-in-law. His father, Daniel Malthus, was enamored of Godwin's thesis; Malthus wrote his essay to show why he renounced both egalitarianism and the doctrine of inevitable historical progress.[10]

Malthus was born in 1766 and died in 1834, the year that Cyrus McCormick perfected his mechanical reaper, which led to the huge

6. He was not called Thomas; he called himself Thomas Robert or T. Robert: William Petersen, *Malthus* (Cambridge, Massachusetts: Harvard University Press, 1979), p. 21.
7. Malthus, *Population*, p. 71.
8. *Idem*.
9. Antony Flew, "Introduction," *ibid*., p. 9.
10. *Ibid*., pp. 9–10.

increase of grain production in the American Midwest. In 1798, the year of the *Essay*, Jenner introduced vaccination against smallpox.[11] So, we see in Malthus' day the foundations of both an increase of life expectancy and an increase in food production. Both processes have continued unabated.

C. Overpopulation?

Condorcet had raised the specter of overpopulation in his book, the *Picture of the Progress of the Human Mind [Spirit]* (1795), written in 1794 while he was in hiding from Robespierre's Terror, and published the year after the deaths of both Condorcet and Robespierre.[12] He believed in inevitable progress, but he recognized that there are limits to growth. There would come a time "when the increase in the number of men [surpasses] that of their means," with the result that there will be a "decrease in prosperity and population."[13] What was his solution? The increase of progress in science and the arts. Mankind will learn that "if they have obligations towards beings who are yet to come into the world, they do not consist in giving them existence only, but happiness; . . ." There are limits on population, but these can be reached without that "premature destruction, so contrary to nature, and to social prosperity, of a portion of the beings who have received life."[14] This, as Nisbet points out, is fairly close to the conclusion that Malthus was to reach in later editions of his essay.[15]

Godwin was a true utopian. He, too, recognized the problem of overpopulation. His solution, stated in *Political Justice* (1793), was to speculate that, in the future, mankind as a species will eventually attain immortality in this world, after which men will cease to procreate.[16] That is, men will become like the angels. Christianity has always taught this regarding man's post-resurrection condition, but the theologians' expositions did not invoke either evolution or the idea of the perfectibility of man in history. Despite being the target of Malthus' essay, Godwin wrote him a glowing letter that congrat-

11. Petersen, *Malthus*, p. 2.

12. Condorcet died a suicide. He poisoned himself with jimson weed the night he was arrested and put into prison. This was the account provided by his friend André Morellet, *Mémoires inédits de l'Abbé Morellet de l'Académie Francaise*, 10th ed. (Paris: Ladvocat, 1822), ch. 24; cited in Petersen, *Malthus*, p. 41.

13. Cited by Robert Nisbet, *History of the Idea of Progress* (New York: Basic Books, 1980), p. 212.

14. *Idem*.

15. *Idem*.

16. *Ibid*., p. 214.

ulated Malthus, but he reasserted his faith that men would use their reason to supply a moral check on population growth. In subsequent editions of the *Essay*, Malthus gave full recognition to these moral checks.[17] In subsequent editions, he moved from biological pessimism to a kind of moral optimism. Nisbet wrote: "We find Malthus the pessimist succeeded by Malthus the social democrat and believer in the forthcoming improvement in the human condition."[18] But it is this Malthus of 1798 who is remembered. It is that Malthus who is revered by the zero population growth cultists.

Concern over the expansion of human population was common among writers in the two decades that preceded the publication of Malthus' essay. In 1781, the Abbé Theodore Augustin Mann read a memoir to the academicians of Brussels. He raised the question of population stability. He concluded that there can be no famine-free stable equilibrium between human population and the food supply because environmental limits will eventually thwart good morals. "This equilibrium is evidently impossible among a people with good morals, because population naturally increases in an indefinite progression, while the means of subsistence are necessarily limited by the soil."[19] The limits of the physical environment are greater than the expansionary power of population growth, which he saw as the outcome of good morals. The Venetian monk Giammaria Ortes wrote a major study on population, *Riflessione sulla Populazione delle Nazioni per rapporto all'Economia Nazionale* (1790). He, too, argued that human numbers seem to expand geometrically, while the goods necessary to sustain life expand more slowly. There is a conflict between man and nature.[20]

Darwin's theory of evolution by natural selection rests on Malthus' observation on the growth of species. Independently of each other, Alfred Russel Wallace and Charles Darwin had accepted Malthus' thesis about population growth, namely, that a species will grow in number until its members run into an environmental barrier. They both concluded that a species survives when its members possess special characteristics that enable more of them to survive. The more progeny issued by a particular pair in a species, the greater the likelihood that one of these progeny will possess the specific characteristics required for survival. It was Malthus' thesis that led them both to

17. *Ibid.*, p. 217.
18. *Ibid.*, p. 218.
19. Cited by Charles Emil Stangeland, *Pre-Malthusian Doctrines of Population: A Study in the History of Economic Theory* (New York: Augustus M. Kelley, [1904] 1966), p. 323.
20. *Ibid.*, p. 336.

invent their mutually announced theory of evolution through natural selection.[21] Wallace made the connection in 1858 while he was suffering a fever.[22] Darwin claimed later to have read Malthus' original 1798 essay in 1838. He, too, said that it led to his discovery of evolution through natural selection.[23]

One of the oddities of intellectual history is that Marx rejected Malthus,[24] yet enthusiastically accepted Darwin.[25] Marx saw Malthus as too pessimistic regarding the future of mankind. He was not alone in his assessment. The debate between demographic optimists (anti-Malthus) and pessimists (neo-Malthusians) raged throughout the nineteenth century.[26] It escalated rapidly after the mid-1960s. People ask: Can society escape the "Malthusian" disaster of famine?

D. The Debate Continues

Concern over population growth escalated in the 1960s, especially after the counter-culture movement appeared around 1965. A major news magazine in the United States announced in 1965: "The World's Biggest Problem." It asked: "How can the world feed all its people, at the rate the population is growing?"[27] This article had been preceded by "World Choice: Limit Population or Face Famine."[28] Even *National Review*, then the most influential conservative intellectual magazine in the United States, got on the bandwagon in 1965.[29]

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21. They co-authored an essay, "On the Tendency of Species to form Varieties. . . ." *Linnean Society Papers* (1858); reprinted in *Darwin: A Norton Critical Edition*, edited by Philip Appleman (New York: Norton, 1970), pp. 83–97. Darwin cited Malthus: p. 83. On the Darwin-Wallace discovery, see Arnold C. Brackman, *A Delicate Arrangement: The Strange Case of Charles Darwin and Alfred Russel Wallace* (New York: Times Books, 1980).

22. Alfred Russel Wallace, *My Life*, 2 vols. (New York: Dodd, Mead, 1905), I, pp. 361–62.

23. Gertrude Himmelfarb, *Darwin and the Darwinian Revolution* (Glou-chester, Massachusetts: Peter Smith, [1959] 1967), p. 66.

24. Ronald L. Meek (ed.), *Marx and Engels on the Population Bomb*, rev. ed. (Palo Alto, California: Ramparts, 1971).

25. Marx to Engels: Dec. 19, 1860; Marx to Lasalle: Jan. 16, 1861. Karl Marx and Fredrick Engels, *Collected Works*, vol. 41 (Moscow: Progress Publishers, 1985), pp. 232, 246–247. In 1866, Marx switched his allegiance to a crackpot ethnologist and racist, Pierre Trémaux. Marx to Engels: Aug. 7, 1866. Engels dismissed Trémaux. Engels to Marx: Oct. 2, 1866. Cited in Nathaniel Weyl, *Karl Marx: Racist* (New Rochelle, New York: Arlington House, 1979), p. 72.

26. E. P. Hutchinson, *The Population Debate: The Development of Conflicting Theories up to 1900* (New York: Houghton Mifflin, 1967).

27. *U.S. News and World Report* (Oct. 4, 1965).

28. *Ibid.* (June 14, 1965).

29. "The Population Explosion," Special Article Section (July 27, 1965).

1. Paul Ehrlich

In 1968, Paul Ehrlich's best-selling book, *The Population Bomb*, was published. In it, Ehrlich, a Stanford University professor of biology, warned: "The battle to feed all of humanity is over. In the 1970s the world will undergo famines—hundreds of millions of people are going to starve to death in spite of any crash programs embarked upon now. At this late date nothing can prevent a substantial increase in the world death rate. . . ."[30] A far better estimate of the threat of worldwide famine was made in 1969 by Harvard University nutritionist Jean Meyer, who predicted that "food may at some time (20 or 30 years from now) be removed altogether as a limiting factor in population."[31] Meyer's viewpoint received very little publicity, although it was to prove correct within a decade.

The predicted famines did not occur in the 1970s or the 1980s. What did occur was a surplus of food. The apocalyptic critics in 1965 should have paid more attention to the statistics of food production. After 1950, worldwide grain production increased steadily. From 1950 through 1975, this increase was in the range of 25% to 40% per capita.[32] In the less developed countries (excluding Communist China), the increase was in the 13% range. Between 1950 and 1980, the world's supply of arable land grew by more than 20%, and it grew even faster in the less developed countries. From 1967 to 1977, the world's irrigated acreage grew by more than 25%.[33] The price of seed, fertilizer, pesticides, and farm equipment also dropped in this period, in some cases by as much as half.[34] In the 1980s, grain farmers all over the world suffered economic losses as a result of overproduction. While these trends may not be permanent, they did create a tremendous public relations problem for the heralded famine-predictors of the counter-culture era (1965–70).

What also occurred was a dramatic fall of birth rates in undeveloped nations: a contraceptive revolution.[35] In 1979, Ehrlich referred

30. Paul Ehrlich, "Prologue," *The Population Bomb* (New York: Ballantine, [1968] 1970).

31. Jean Meyer, "Toward a Non-Malthusian Population Policy," *Columbia Forum* (Summer 1969), p. 5. This is published by Columbia University.

32. The United States Department of Agriculture estimated 40%; the United Nations Food and Agriculture Organization estimated less than 30%.

33. All of these figures are found in Nick Eberstadt, "Hunger and Ideology," *Commentary* (July 1981), p. 43.

34. *Ibid.*, pp. 43–44.

35. Steven W. Sinding and Sheldon J. Segal, "Birth-Rate News," *New York Times* (Dec. 19, 1991).

back to his book and others like it that had prophesied rising birth rates in the 1970s: "But we were all dead wrong."[36] He still held that a crisis was coming: perhaps famine, or a pandemic, or nuclear war.[37] In 1980, he made a $1,000 bet with University of Maryland economist Julian Simon over the future price of five metals—a bet on the limits to growth. Simon predicted that prices would be lower. He proved correct; Ehrlich paid off the bet in 1990. He could easily afford to pay off; in that same year, he was granted a $345,000 MacArthur Foundation Prize and half of the $240,000 Craford Prize, the ecologists' version of the Nobel Prize.[38] Simon was unknown to the general public.[39] The media were overwhelmingly supportive of the apocalyptics. Rival viewpoints on the population question, despite the overwhelming evidence, received little attention from the major opinion-makers. The opinion-makers were strongly opposed to population growth because they were strongly pro-abortion. The apocalyptics seemed to provide scientific evidence for a looming catastrophe. This reinforced the legalization of abortion in 1973 (*Roe v. Wade*).

In 1942, Warren Thompson warned of the *decline* in the birth rate in Western Europe and its colonies, 1890–1940. "It is the most important demographic change of our time."[40] This decline in birth rates in the West has generally continued, although in the early 1990s, it was reversed in the United States.[41] By the late 1980s, there was no Western European nation except Ireland[42] with a birth rate anywhere near 2.1 children per family—the family replacement rate.[43] Had Islamic birth rates been excluded, the birth rate figures would have

36. Paul R. Ehrlich and Anne H. Ehrlich, "What Happened to the Population Bomb?" *Human Behavior* (Jan. 1979), p. 88.

37. *Ibid., p.* 92.

38. John Tierney, "Betting the Planet," *New York Times Magazine* (Dec. 2, 1990), pp. 52–53. Gold was in the $350/oz range.

39. Their debate went back to the original Earth Day in 1970, when, at a faculty party, Simon tossed a drink in Ehrlich's face. He called Ehrlich the author of work that lacked substance or scholarship. *Ibid*., p. 53.

40. Warren S. Thompson, *Population Problems* , 3rd ed. (New York: McGraw-Hill, 1942), p. 188.

41. By 1992, the U.S. birth rate had climbed to 2.05 children per family, up from 1.8 in 1987, much to the surprise of population forecasters. Lucinda Harper, "Census Bureau Lifts Population Forecast, Citing Fertility, Immigration, Longevity," *Wall Street Journal* (Dec. 4, 1992).

42. Ireland in this period experienced a rising population: 1.5% per year. "Irish Economy Dips After Big Decade," *New York Times* (Dec. 25, 1981). It is the one West European nation with young people visible.

43. This includes both southern and northern Europe: "The Missing Children," *The Economist* (Aug. 3, 1991).

been much lower in several nations. West Germany's birth rate had fallen so low by the late 1970s that the German population will die out in the year 2500 if the same birth rate is maintained.[44] By the late 1980s, a new warning was being sounded: European life spans were lengthening, birth rates were dropping, and government retirement programs were facing a looming crisis: too many recipients, too few taxpaying workers.[45] Yet the apocalyptics continue to warn of an impending explosion, a population bomb.

2. Global 2000

In 1980, a Presidential Commission reported to the President of the United States on the impending crises. Unlike most reports from Presidential commissions, this three-volume report received worldwide publicity. It was titled, *Global 2000 Report to the President*, but became known simply as *Global 2000*. It was a deeply political document. It was also a classic Malthusian document, meaning the 1798 Malthus, not the more mature Malthus. It warned on page 1:

> If present trends continue, the world in 2000 will be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now. Serious stresses involving population, resources, and environment are clearly visible ahead. Despite greater material output, the world's people will be poorer in many ways than they are today.
>
> For hundreds of millions of the desperately poor, the outlook for food and other necessities of life will be no better. For many it will be worse. Barring revolutionary advances in technology, life for most people on earth will be more precarious in 2000 than it is now—unless the nations of the world act decisively to alter current trends.

Nothing like this happened. Two comments are relevant here. First, there has been no revolutionary technological development, for example, along the lines of nanotechnology, where molecule-sized mechanical assemblers put together atoms and molecules in order to produce organic as well as inorganic substances in almost limitless quantities. This development, if it comes, will at last force a drastic revision of the legacy of Malthus. It looks technologically feasible sometime before the year 2070, but it has not happened yet.[46] Second, "the nations of

44. John Vinocur, "West Germans, Birth Down, Ponder Future, or Lack of It," *New York Times* (April 28, 1978).

45. "Grappling With the Graying of Europe," *Business Week* (March 13, 1989).

46. Erik K. Drexler, *Engines of Creation* (Garden City, New York: Doubleday Anchor, 1986); K. Eric Drexler and Chris Peterson, *Unbounding the Future: The Nanotechnology Revolution* (New York: Morrow, 1991).

the world"—read: national governments—poured tens of billions of dollars worth of aid into the third world in the 1980s, but in the handful of isolated socialist economies of Africa, things nevertheless grew worse.[47] Outside of these tiny socialist economies, which were also suffering from civil war, the predicted food crises did not take place.

This absence of crises was predicted by a group of scholars in a book published in 1984: *The Resourceful Earth*.[48] This book received very little attention from the press. Its editors offered another scenario: "If present trends continue, the world in 2000 will be *less crowded* (though more populated), *less polluted, more stable ecologically*, and *less vulnerable to resource-supply disruption* than the world we live in now. Stresses involving population, resources, and environment *will be less in the future than now*... The world's people will be *richer* in most ways than they are today... The outlook for food and other necessities of life will be *better*... life for most people on earth will be *less precarious* economically than it is now."[49] This prediction came true for all but North Korea and Cuba.

The Malthusian apocalyptics in 1980 dismissed as irrelevant two centuries of economic and technological progress: 1780–1980. They also ignored earlier periods of population growth in European history. Economic historian Karl Helleiner wrote:

> The opinion, still widely held, that before the eighteenth century, Europe's population, though subject to violent short-run fluctuations, remained stationary over long periods, or was growing only imperceptibly, is, I believe, no longer tenable. There is sufficient evidence to indicate that those oscillations were superimposed on clearly recognizable "long waves." At least two periods of secular increase can be tolerably well identified in the demographic history of medieval and early modern Europe, the first extending from about the middle of the eleventh to the end of the thirteenth, the second from the middle of the fifteenth to the end of the sixteenth, century.... *In this sense the demographic development of the eighteenth century was not unique*. What was unprecedented about it was the fact that the secular upward movement started from a higher level, and that it was able to maintain, and for some time even increase, its momentum. Population growth in the eighteenth and nineteenth centuries, unlike that of previous epochs, was not terminated or reversed by catastrophe.[50]

47. See below, "Foreign Aid: Government to Government."

48. Julian L. Simon and Herman Kahn (eds.), *The Resourceful Earth: A Response to Global 2000* (London: Basil Blackwell, 1984).

49. Simon and Kahn, "Introduction," *ibid*., pp. 1–2. Elipses are in the original.

50. K. F. Helleiner, "The Vital Revolution Reconsidered," in D. V. Glass and D. E. C. Eversley (eds.), *Population in History* (London: Arnold, 1965), p. 86.

Something changed after 1750. The world experienced what Adam Smith taught in *The Wealth of Nations* (1776): economic freedom produces rapid, long-term growth.

Economic freedom is necessary but not sufficient to produce long-term population growth. A religious worldview favorable to large families must accompany economic liberty. Men must believe what David wrote so long ago: "As arrows are in the hand of a mighty man; so are children of the youth. Happy is the man that hath his quiver full of them: they shall not be ashamed, but they shall speak with the enemies in the gate" (Ps. 127:4–5). The issue here is world dominion under God. This faith has faded rapidly in the humanist West. With falling birth rates among the populations of the industrialized world, rates of population growth are headed lower.[51] When third-world nations industrialize, they almost certainly—a very dangerous phrase in demographics—will experience the same thing. (We must always add: unless people change their minds and then change their behavior.)

The Malthusians always talk about the burden of more mouths to feed. They never talk about the economic benefits of more hands to work and more minds to think creatively beginning two decades later.[52] They ignore the long-term capital returns from a 15-year or 20-year capital investment in morality and education. That is, *they are present-oriented and therefore lower-class social theorists*.[53] Sadly, vocal Christian intellectuals in the late twentieth century joined the camp of the Malthusians.

3. The Specter of Hunger Is Himself Very Thin

Are many people facing famine today? If so, what is the proper solution? If not, why are so many Western intellectuals convinced that famine is imminent? How could a supposedly serious pair of scholars have written a book in 1967 titled, *Famine—1975!*?[54] The famine never appeared. Instead, food prices fell. Per capita consumption of food rose. Yet the myth of looming food shortages continues to be

51. An "echo effect" can persist for several generations: despite birth rates below the family replacement rate of 2.1 births per family, total population continues to grow because of high birth rates in the past. A rising number of marriages produces a rising population even though family size decreases.

52. Julian Simon, *The Ultimate Resource* (Princeton, New Jersey: Princeton University Press, 1981).

53. Class position is best understood in terms of time perspective, not money. See Edward Banfield, *The Unheavenly City* (Boston: Little, Brown, 1971), ch. 3.

54. William and Paul Paddock, *Famine—1975! America's Decision: Who Will Survive?* (Boston: Little, Brown, 1967).

believed. From 1798 until the present, Malthus' predictions have been refuted by the facts, decade after decade. The West has experienced a growing population with increasing per capita consumption of food. Yet the myth still flourishes in the West. That starvation is possible in a major war is quite possible. The question is: If we avoid such a major war, is a famine inevitable? The apocalyptics' answer: *yes*. This answer has been proven incorrect for over two centuries, but generation after generation of apocalyptics learn nothing from the evidence. Theirs is a religious worldview, impervious to the historical record.It is also an anti-biblical worldview, opposed to the dominion covenant.

E. An Age of Hunger?

Consider the anti-free market book written by a politically left-wing evangelical historian, Ronald J. Sider: *Rich Christians in an Age of Hunger* (1977).[55] This book was very popular among college-age Protestant evangelicals and neo-evangelical college professors for several years until the Institute for Christian Economics hired David Chilton to write *Productive Christians in an Age of Guilt-Manipulators* (1981). After that, Sider's name and influence faded rapidly.[56] The collapse of Communism in the late 1980s buried what little remained of his reputation as a social theorist—a fate shared by many of his humanist peers. It was not that most of them changed their minds after 1989. Rather, the public started laughing at them. This drove them into a snit of silence. Finally, in 1997, the fourth edition appeared. In it, Sider reversed many of his old opinions, adopted some of Chilton's conclusions, toned down his rhetoric, but still refused to mention Chilton or his book.[57] By then it was two decades too late. His original errors had become conventional thinking for a generation of academic neo-evangelicals.

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55. Co-published by the neo-evangelical Protestant Inter-Varsity Press and the liberal Roman Catholic Paulist Press.

56. A second edition was of *Rich Christians* was published by Inter-Varsity in 1984, one which promised on the cover to respond to Sider's critics. Inside, there was no reference to David Chilton's refutation, or to a dozen other published critics. Sider simply stonewalled; his influence began to disappear almost immediately. He rapidly fell out of favor with his left-wing evangelical supporters when he came out publicly against both abortion and homosexuality in the mid-1980s. The third edition of *Rich Christians* (Waco: Word, 1990) also made no reference to Chilton. Neither did the fourth edition in 1997.

57. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), Appendix F: "The Re-Education of Ronald J. Sider."

Let us begin with Sider's initial assumption: our present age of hunger. The fact is, no era in man's history has been described more inaccurately as an age of hunger than the era in which Sider wrote his book. The near-universal conquest of hunger for most of the world's population, except those people caught in civil wars in backward African nations,[58] had been achieved by 1977. The 1980s accelerated this conquest. Like so many other academic jeremiads of the twentieth century, Sider's came after the supposed crisis had very nearly been solved[59]—solved by free-market, profit-driven agriculture.

The extraordinary productivity of modern capitalist agriculture stands as a testimony to the possibilities for urbanization and suburbanization. Men prefer to live in cities and towns when they can afford to leave the farm. The division of labor—social, economic, intellectual, cultural—that urban life promotes makes almost inevitable net out-migration from exclusively rural areas. This is exactly what the jubilee land laws promoted. The nineteenth and twentieth centuries have seen this development as never before in man's post-Babel history.

What about the supposedly near-starvation conditions of the politically designated third world?[60] The poorest nations on earth in 1983, the economies of sub-Sahara Africa, were producing on average 90% of the calories they needed. The three poorest nations on earth—Mali, Ghana, and Chad—produced two-thirds of the needed calories.[61] The common characteristic of these African nations is that their governments have placed controls on farmers: heavy taxation, controls against private exporting of crops, price controls on agricultural products, and government monopoly purchases at prices well

58. And, in the 1990s, in civil-war torn regions of former Communist domination in Europe and Asia.

59. "The owl of Minerva flies only at dusk."—Hegel.

60. The concept of the "third world" is uniquely political. It refers to those nations that seek government-to-government foreign aid. P. T. Bauer wrote: "The Third World is the creation of foreign aid: without foreign aid there is no Third World. The concept of an underdeveloped world eventually to become the Third World was invented after the Second World War. It did not exist before then. From its inception, the unifying characteristic has been that the Third World is in practice the aggregate of countries whose governments demand and receive Western aid. In all other ways the unity or uniformity is pure fiction." Bauer, *Equality, the Third World and Economic Delusion* (Cambridge, Massachusetts: Harvard University Press, 1981), p. 87.

61. The World Bank, *World Development Report 1986* (New York and Oxford: Oxford University Press, 1986), pp. 234–35, Table 28; cited in E. Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources, and the Future* (Westchester, Illinois: Crossway, 1990), p. 127.

below world market prices. This observation was made by English economist Peter T. Bauer two decades before Sider's book appeared.[62] Bauer was one of the foremost economic theorists in the area of economic development; he was elevated to the House of Lords for his work in the field. (He died in 2002.) A century before Sider's book appeared, Cornelius Walford had identified the same causes of famine in history that Bauer identified: (1) the prevention of cultivation and the willful destruction of crops; (2) defective agriculture caused by the communistic control of land; (3) governmental interference by regulation or taxation; (4) currency restrictions, including debasing of coins.[63]

Sider ignored all this or else was unaware of it in 1977. By 1984, he was no longer unaware of it, for Chilton had presented Bauer's evidence and supporting academic evidence.[64] Nevertheless, Sider's second edition in 1984 refused to respond to Chilton's line-by-line critique, despite the fact that the new edition's cover promised that the he would respond to his critics. He never mentioned a word about Chilton, Bauer, or Walford. This was not scholarship; this was naive socialist propaganda disguised as caring Christian scholarship.

In an important 1981 article, economist Nick Eberstadt noted that four myths contribute to our failure to deal with the intellectual problem of hunger, the myths of (1) widespread and growing hunger; (2) growing and inevitable agricultural scarcity; (3) ominous food deficits; (4) the superiority of socialist agriculture. He then went on to provide statistics to refute each of these four myths.[65] Sider promoted the first three myths and implicitly promoted the fourth by his attack on profit-seeking agriculture.

The worst famine in modern history, the Chinese famine of 1959–62, was caused by Mao's Great Leap Forward policies: a vast scheme of government-directed production. As many as 30 million people

62. P. T. Bauer, *Economic Analysis and Policy in Under-Developed Countries* (Durham, North Carolina: Duke University Commonwealth-Studies Center, published by Duke University Press and Cambridge University Press, 1957), pp. 83–84. Bauer published a detailed study of these government marketing boards as early as 1954: *West African Trade: A Study of Competition, Oligopoly and Monopoly in a Changing Economy* (New York: Augustus M. Kelley, [1954] 1963), Part 5.

63. Cited in E. Parmalee *Prentice, Hunger and History: The Influence of Hunger on Human History* (New York: Harper & Bros., 1939), p. 4.

64. David Chilton, *Productive Christians in an Age of Guilt-Manipulators: A Biblical Response to Ronald J. Sider*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, 1982), pp. 127–31, 134–35, and especially 139, where he cited Walford's four causes of famine.

65. Nick Eberstadt, "Hunger and Ideology," *Commentary* (July 1981). Eberstadt was at the time a visiting fellow at Harvard University's Center for Population Studies.

died as a result of this program. "Even as their policies were causing millions of their citizens to starve," Eberstadt wrote, "China's leaders denied that there was a crisis, refused all offers of international aid, and exported food."[66] In the late 1960s and early 1970s, a million ethnic Ibos died in a Nigerian famine. This was government policy: the Islamic Nigerians were trying to eliminate the rebellious Ibos. Similar government policies led to famines in Ethiopia, East Timor, and Cambodia.[67] Hunger is not the product of population growth, the West's meat consumption, or the failure of modern agriculture. The problem is socialist economics. Sider and his intellectual peers are making this problem worse. The problem is not rich Christians in an age of hunger. The problem is isolated socialist economies in an age of capitalist prosperity.

F. Foreign Aid: Government to Government

Did the West do nothing while third-world residents starved? Hardly. In 1982, the Organization of Economic Co-operation and Development (OECD) estimated that the West sent about $18 billion to third-world countries. In addition, multilateral development agencies (government operated) provided an additional $8 billion. To that was added government and private investment and lending. The total, according to the OECD, was in the $80 billion range.[68] In one year! These capital flows began in the early 1950s. From 1956 to 1982, the West sent $670 billion in aid (OECD estimate). In 1985 prices, this was over $1.5 trillion. Three-quarters of this money came from governments. Add to this the money sent from 1982 to 1985 plus the money sent in the first half of the 1950s, and the total is $2 trillion. How much wealth did this represent? *The combined value of all farms in the United States and all stocks listed on the New York Stock Exchange in 1985*. [69] But this enormous transfer of wealth was insufficient to stop the famines in sub-Sahara Africa, and so it was equally insufficient to stop the critics of capitalism, who called for more compulsory aid and more sacrifices by Western taxpayers. This points to a conclusion that Bauer had made decades earlier, but which is unacceptable to modern statists: the primary shortage of capital in backward societies

66. Eberstadt, "Famine, Development, & Foreign Aid," *Commentary* (March 1985), p. 26.
67. *Ibid.*, pp. 20–21.
68. The nominal dollars today (2012) would be more than double.
69. *Ibid.*, p. 28.

is moral capital, meaning people's attitudes and beliefs.[70] This crucial form of capital cannot be provided by government handouts.[71]

Did the recipient governments use this money to strengthen agriculture? Not often. Politicians and bureaucrats wanted to bypass agriculture in order to become leaders of industrial nations. Industrial nations have more prestige and more modern weaponry. Third-world economic planning programs deliberately starved the agricultural sector. In Peru and Mexico, less than 10% of gross national product was produced by farming in 1980, half of Germany's rate in the 1930s. Ecuador's percentage in 1984 was smaller than Holland's in 1950. Bolivia's rate was less than Greece's in 1984, yet Greece is considered a developed nation. Senegal, in the midst of the continuing Sahel famine, in 1984 produced at the same level of Japan in 1950.[72] The problem is not lack of foreign aid. The problem is the misuse of this aid by recipient politicians and bureaucrats.

G. Other Ignored Factors

One of the familiar arguments of the semi-vegetarian social critics of capitalist agriculture is that Westerners eat too much meat. If we just ate more vegetables, the freed-up food resources could feed the starving masses of the world. That is to say, if we ate less meat, our governments could tax the money we saved by eating soybeans and then send surplus soybeans to Africa (or wherever). I call this outlook soybean socialism.

1. Soybean Socialism

Sider's comments are typical. Notice his use of the pronouns *we* and *our*. "Undoubtedly the most striking measure of the gap between rich and poor is food consumption. . . . U.S. citizens consume almost five times as much grain per person as do the people in the developing countries. The major reason for this glaring difference is that we eat most of our grain indirectly—via grain-fed livestock and fowl."[73] What these guilt-manipulating critics always fail to mention is that the recipient nations suffer from a far worse situation: their animals

70. P. T. Bauer, *Dissent on Development* (Cambridge, Massachusetts: Harvard University Press, 1972), pp. 78–79.

71. Gary North, "Free Market Capitalism," in Robert Clouse (ed.), *Wealth & Poverty: Four Christian Views of Economics* (Downers Grove, Illinois: InterVarsity Press, 1984), pp. 27–65.

72. Eberstadt, "Famine, Development & Foreign Aid," p. 29.

73. Sider, *Rich Christians*, p. 42.

eat huge quantities of grain, yet they escape a similar fate at the hands of man.

The sad fact is this: animals in under-developed countries consume vast quantities of poorly stored food, especially grains. I have covered this in *Moses and Pharaoh*,[74] but some of the facts are worth repeating. The "sacred cows" of India eat a lot of grain, but nobody eats them. Estimates of the number of such cows in India range between 175 million to over 200 million. They eat enough grain to feed 1.2 billion people. Robert Sassone wrote in 1972: "This means that India produced enough food, so that if you moved the cows out, you could move everybody in from the continents of Antarctica, Australia, Africa and Europe. You could also move in everybody from most of the other nations in the world. Then all those people could eat better than the people of India eat today."[75] India's rats also eat. In the early 1970's, rats and cows together consumed half of India's agricultural output.[76] It would have taken a train 3,000 miles long to haul all the grain eaten by rats in India each year.[77] Rats in other nations are also big eaters. In one year, rats in the Philippines consumed over half the corn and 90% of the rice crop.[78] Is this the fault of the "monopolistic" West?

2. The Green Revolution

Then there is the "green revolution" that transformed Asian agriculture in the 1960s. That revolution is continuing. Norman Borlaug, who won the Nobel Prize in 1970 for his high-yield dwarf wheat that rescued Asia from famine, in 1992 announced a program to save Africa from famine. With a grant provided by a private Japanese philanthropist, Borlaug's program was tried on 150,000 African farms. The results were spectacular: yield increases of 2.5 to one, 1986–1992. Even after civil war ended his work in the Sudan, the Sudanese still harvested 800,000 tons of wheat, up from 160,000 in 1986. Former U.S. President Jimmy Carter, himself a farmer, told the World Bank in 1992: "Dr. Borlaug's system works. I've been on the farms. I've seen it work."[79] Yet Sider in 1977 dismissed the green revolution as

74. North, *Moses and Pharaoh*, pp. 341–42.

75. Robert L. Sassone, *Handbook on Population*, 2nd ed. (Author, 1972), p. 53.

76. Robert M. Bleiberg, "Down a Rathole," *Barron's* (Aug. 11, 1975), p. 7.

77. The estimate of Dr. Max Milner of the Massachusetts Institute of Technology. "Over 40% of the World's Food Is Lost to Pests," *Washington Post* (March 6, 1977).

78. *Idem*.

79. Richard Critchfield, "Bring the Green Revolution to Africa," *New York Times* (Sept. 14, 1992).

a temporary phenomenon because "fantastic population growth almost matched increased agricultural productivity. When droughts and floods struck in 1971 and 1972, hunger returned."[80]

A major problem with Sider's book is that he regarded short-term statistics produced by ideologically motivated pleaders as a convenient substitute for both economic theory and detailed historical research. In the second edition, he refused to respond to the first edition's many errors pointed out in Chilton's *Productive Christians*. The third edition (1990) failed to respond to Chilton's third edition, which refuted Sider's second edition line by line. There is no mass starvation in the world, but there is a vast market for guilt among intellectuals. Finally, in 1997, he gave up on the entire 20-year project. He accepted much of what Chilton had said. But he never mentioned Chilton once in any of the last four editions, including the 2005 edition.

H. Capitalist Guilt or Liberal Guilt?

Who is to blame for all this alleged starvation? Rich people in the West, said Sider in 1977. "Tragically, rising affluence in North America, Europe, Russia [!!!] and Japan had also tripled the cost of grain for export in the same short period."[81] What is Sider's solution to the "problem" of the North American "monopoly" over food? "A new food policy *now* is one way to avoid such a dangerous situation. The constantly growing demand for food must stop—or at least slow down dramatically. That means reduced affluence in the rich nations and population control everywhere."[82]

Sider's analysis rests implicitly on what Mises called the Montaigne dogma: an increase in one person's wealth always comes from a decrease in another person's wealth.[83] Such a view is opposed to the biblical idea that God rewards covenant-keeping societies, in part so that other societies will praise God and adopt God's laws (Deut. 4:5–8), thereby spreading wealth across the globe. Sider wants the West to feed the world's starving poor. But when he said "the West," he means Western governments. He means *charity by compulsion*—the destruction of charity.

Western governments have done enough damage already. The series of famines that began in the Sahel region of Africa in the 1970s

80. Sider, *Rich Christians*, p. 17.
81. Sider, *Rich Christians*, p. 17.
82. *Ibid.*, p. 214. This statement is missing in the 1984 edition.
83. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), p. 660.

were caused by ill-advised government foreign aid projects from the West. The Sahel region comprises about a fifth of the land area of Africa, stretching east to west, just south of the Sahara: from Mauritania on the west coast through Mali, Niger, Chad, the Sudan, and parts of Ethiopia and Somalia. The West's project managers sank deep water wells in order to increase the water supply for agriculture. The nomads of the region then abandoned centuries-old wandering routes and settled close to the wells. The result should have been predicted but wasn't: the nomads' animals overgrazed the areas near the wells, multiplied rapidly, thus bringing regional famine. Meanwhile, the world development organizations continued to sink more wells, spreading the famine.[84]

The majority of the cases of starvation today are in sub-Sahara Africa, north of South Africa. Very few people live there—fewer than a hundred million, with the AIDS plague rapidly spreading across the lower part of the that incontinent continent. How could the rest of the world be fed by the food supposedly forfeited by these people? Civil war is a major cause—perhaps *the* major cause—of starvation in Africa. The opposing military forces steal most of the food sent to civilians by foreign charities and civil governments. In December, 1992, the United States government sent 30,000 of its military troops into Somalia, under the authority of a United Nations task force, in order to stop the civil war from curtailing civilian food supplies sent by the West. The U.S. government implicitly acknowledged the source of the famine in Somalia: civil war, not the Montaigne dogma.

The West's consumption of food has had nothing to do with the agricultural crisis of sub-Sahara Africa. Poorly designed Western government foreign aid programs and domestic civil wars are the primary causes. Socialist agriculture, demonism, and God's curses are also relevant. What socialist critics refuse to consider is that socialism always produces low agricultural output. What humanists refuse to consider is that God brings terrible negative sanctions on those who worship demons. What Christian intellectuals refuse to consider is that they should avoid becoming apologists for propaganda from socialists and humanists.

There is no evidence that population growth today threatens per capita food consumption. Whether or not famine occurs will be decided by economic policy and the ability of civil governments to provide conditions of peace, where trade can take place without threat of

84. Claire Sterling, "The Making of the Sub-Saharan Wasteland," *Atlantic Monthly* (May 1974).

violence. The world is not facing famine. The growth of free market institutions around the world has lowered the price of food, and has therefore lowered the percentage of people's incomes spent on food. What creates famine are such factors as government-imposed price ceilings on food, government controls over agricultural production, government restrictions on food distribution, and civil war. Where the free market flourishes, people do not starve. Rather, the market for weight-loss programs expands.

I. The New Tower of Babel

From at least the time when the late eighteenth-century French pornographer and communist propagandist Restif de la Breton wrote *The Year 2000*, the year 2000 has been the focus of humanism's eschatological concern.[85] The goal of the socialists and humanists has been to engineer a new world order, a rival of the new world order established by Jesus Christ.

One of the means of gaining public acceptance for the humanists' political new world order has been an appeal to the need to protect the environment, which is by nature international: moving fluids (air and water). These moving fluids can easily be used as "free" dump sites by those seeking to transfer private costs to others. (The other major appeal has been to disarmament.)

In 1970, a wave of excitement swept academia: Earth Day. This celebration was organized politically. Rallies were held across the United States and the world. This took place within weeks of the visible end of the counter-culture movement, which had begun between 1964 and 1965. This had been an era of cultural rebellion, intellectual transformation, sexual license, occultism, drugs, anti-war riots, and an economic boom which ended only with the recession of 1969–1970.[86] For six years, waves of protest swept the United States and the world. They ended one month after Earth Day: at Kent State University in Ohio, where a National Guard unit shot and killed several students during a protest. Within weeks, the public manifestations of the counter-culture's revolutionary phase ended. But the world was no longer the same; much of the counter-culture had been permanently institutionalized and commercialized.

One American author more than any other gave an account of this

85. Robert A. Nisbet, "The Year 2000 and All That," *Commentary* (June 1968).

86. Gary North, *Unholy Spirits: Occultism and New Age Humanism* (Ft. Worth, Texas: Dominion Press, 1986), pp. 6–11.

movement: Theodore Roszak. In 1969, his book appeared, *The Making of a Counter Culture*.[87] It pictured a movement based on a philosophical rejection of the boundaries of Western rationality, morals, and behavior: beyond technocracy. Three years later, he wrote *Where the Wasteland Ends*.[88] The title of the second book is significant. The wasteland motif is significant. He returned once again to the contrast between two deeply religious symbols: the garden and the wasteland. The wasteland, he wrote, is what technology produces. It is the civilization of the machine.

1. The Establishment's New World Order

In between the publication of these two books, another author wrote an essay. He wrote it for the most influential journal in the world, *Foreign Affairs*, the official publication of the Council on Foreign Relations.[89] He wrote it for the April 1970 issue: Earth Day. The author was George Kennan, one of the six "wise men" who shaped U.S. foreign policy from the Great Depression of the 1930s through the 1980s.[90] Kennan was the author of another article for *Foreign Affairs*, a 1946 anonymous essay that set forth the policy of containment: containing the Soviet Union geographically, a boundary strategy. This was the most influential and famous article on U.S. foreign policy written in the twentieth century. He died in 2005 at age 101.

Kennan's 1970 article was titled, "To Prevent a World Wasteland: A Proposal."This essay represented the assimilation of the counter culture's environmental vision by the masters of the technocratic Establishment. The Establishment's intellectuals had been ready and willing from the beginning to harness the pent-up forces of the revolt against the Establishment. They sought to re-channel these protests into rent-seeking, bureaucracy-expanding efforts to reduce human freedom. The state would be the beneficiary; those who controlled access to the most powerful positions within the state would benefit. The ultimate state is international.

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87. Theodore Roszak, *The Making of a Counter Culture: Reflections on the Technocratic Society and Its Youthful Opposition* (Garden City, New York: Doubleday, 1969).

88. Roszak, *Where the Wasteland Ends: Politics and Transcendence in Postindustrial Society* (Garden City, New York: Doubleday, 1972).

89. On the influence of the C.F.R. and its parallel organizations throughout the Anglo-American world, see Carroll Quigley, *Tragedy and Hope: A History of the World in Our Time* (New York: Macmillan, 1966), pp. 950–55.

90. They were Dean Acheson, Charles Bohlen, Averill Harriman, George Kennan, Robert Lovett, and John J. McCloy. Walter Isaacson and Evan Thomas, *The Wise Men: Six Friends and the World They Made* (New York: Simon & Schuster, 1986).

Kennan began his observations with a quotation from the Secretary-General of the United Nations Organization, U Thant: "For the first time in the history of mankind, there is arising a crisis of worldwide proportions involving developed and developing countries alike—the crisis of human environment. . . . It is becoming apparent that if current trends continue, the future of life on earth could be endangered."[91] Kennan observed that environmental problems normally become a concern first "within national boundaries. . . ." He immediately shifted his discussion to the international questions: polluted air, contaminated coastal waters, and wildlife.[92] These phenomena are not respecters of national boundaries. As it is in the Book of Leviticus, so is it in *Foreign Affairs*: a question of boundaries. Kennan wanted these boundaries extended beyond nations.

Kennan called for the creation of "a body fortified by extensive scientific expertise" which will be able to measure the adequacy of "a considerable body of international arrangements" that deal with the environment. So far, he insisted, "it is evident that present activities have not halted or reversed environmental deterioration." There is no reason to suppose that they will stop.[93] He described the features that this new co-ordinating body must have: (1) facilities for the collection and dissemination of information (i.e., tools of control and propaganda); (2) co-ordination of "research and operational activities"; (3) the establishment of international standards in environmental matters, purely advisory; (4) international action governing the high seas, outer space, the Arctic and Antarctic, and the stratosphere.[94] This fourth requirement "consists simply of the establishment and enforcement of suitable rules for all human activities conducted in these media."[95] In short, if a man breathes the air, swims in the sea, flies into outer space, or dwells on the ice caps, he is to be governed in all his activities by suitable rules. Kennan's proposal is messianic.

Messianic programs require messianic enforcers. Kennan's program is no exception. "Someone, after all, must decide at some point what is tolerable and permissible here and what is not; and since this is an area in which no sovereign government can make these determina-

91. George Kennan, "To Prevent a World Wasteland: A Proposal," *Foreign Affairs*, XLVIII (April 1970), p. 401.
92. *Idem.*
93. *Ibid.*, p. 402.
94. *Ibid.*, pp. 404–5.
95. *Ibid.*, p. 405.

tions, some international authority must ultimately do so."[96] There must be an international treaty or convention. "But for this there will have to be some suitable center of initiation, not to mention the instrument of enforcement which at a later point will have to come into the picture."[97]

Kennan called for a non-governmental agency of experts that can impose negative sanctions with civil authority. It must be a government beyond civil government and the boundaries of civil government. "This entity, while naturally requiring the initiative of governments for its inception and their continued interest for its support, would have to be one in which the substantive decisions would be taken not on the basis of compromise among governmental representatives but on the basis of collaboration among scholars, scientists, experts, and perhaps also something in the nature of environmental statesmen and diplomats—but true international servants, bound by no national or political mandate, by nothing, in fact, other than dedication to the work at hand."[98]

2. Russian Socialism

In January, 1994, a nationally circulated newspaper insert magazine, *Parade*, ran a three-page interview with Mikhail Gorbachev, the deposed ruler of the Soviet Union (1991), who immediately became the head of an environmentalist organization called the Green Cross. This worn-out Communist war horse was proclaiming the Kennanist line in preference to the Leninist line. Collectivist that he was, his enemy was still the same: the American consumer, who has too much wealth.

> If we're going to protect the planet's ecology, we're going to need to find alternatives to the consumerist dream that is attracting the world. Otherwise, how will we conserve our resources, and how will we avoid setting people against each other when resources are depleted?...
>
> America must be an example to the world. America should do what we have done—that is, to abandon any attempt to impose a certain model on other peoples. If we just say, "Xerox the American way and standard of living," then we must answer the question, "What do we do about the fact that 260 million people in America use 40% of the world's energy resources, and the 5 billion people in the rest of the world use what's left?" America must be the teacher of democracy to the world, but not the advertiser of

96. *Idem*.
97. *Ibid*., p. 406.
98. *Ibid*., pp. 409–10.

> the consumer society. It is unrealistic for the rest of the world to reach the American living standard. The world can't support that. Even now, only one third of the world's population is provided for adequately. We should, therefore develop other models.[99]

He called for "a new consciousness based on environmental justice."[100] There is no blueprint, but there must be action. A new evolution is upon us. "There is no clear answer, except that the old ideologies in our civilization must give way to the new challenges of our civilization. The growing environmental movement must be a vehicle for that."[101]

What is worth noting is that only a few weeks before, on November 28, 1993, the *New York Times* "Op Ed" page published an essay by Aleksandr Solzhenitsyn in which he proclaimed an almost identical thesis. The article was titled, "To Tame Savage Capitalism." If any person was responsible for destroying the reputation of Soviet Communism in the West, it was he. His three-volume study, *The Gulag Archipelago*, chronicled the terrorism of Soviet Communism from Lenin to the 1960s, and he was generally believed by Western intellectuals, who had rejected similar reports for over half a century. He was exiled from the USSR in 1974. The critic of the Soviet Union has also been the critic of Western capitalism. He now joins hands—or at least propaganda efforts—with Mr. Gorbachev, the protegé of Mr. Andropov, the former head of the KGB, the Soviet secret police that Solzhenitsyn despised.

In his essay, Solzhenitsyn decried the spiritual vacuum in the former Soviet Union, a vacuum that capitalism cannot fill. This has been a continuing theme in his writings: the failure of secularism, East and West.[102] The West is now in trouble. It now faces "environmental ruin" and "the global population explosion." The third world constitutes four-fifths of mankind, and will soon constitute five-sixths. It is "drowning in poverty and misery," and it will soon "step forward with an ever-growing list of demands to the advanced nations." He, too, rejected the growth model of Western capitalism. "The time is urgently upon us to limit our wants." He attacked the United States

99. Colin Greer, "The Well-Being of the World Is at Stake," *Parade Magazine* (Jan. 23, 1994), pp. 5, 6.

100. *Ibid*., p. 6.

101. *Idem*.

102. A. Solzhenitsyn, "The World Split Apart," his 1978 lecture to the graduating class of Harvard University, in *Solzhenitsyn at Harvard* (Washington, D.C.: Ethics and Public Policy Center, 1980), c. 3.

without naming it for having resisted the demands of the 1992 Earth Summit in Rio de Janeiro. He did not mention what these demands were: to reduce industrial carbon dioxide emissions by government edicts in order to reduce global warming.

There are four major problems here. First, there is no clear-cut scientific evidence of global warming. When the temperature changes of the world's oceans are included in the analysis, there is no evidence of directional change, 1890 to 1990. The evidence that temperatures have increased comes from temperature measurements taken at sites in or near cities, where temperatures have increased. In any case, the increase in carbon dioxide emissions accelerated after World War II, but temperatures have not risen since then.[103] Second, the major sources of carbon dioxide emissions are natural, most notably from termites, which contribute some 14 billion tons of carbon dioxide per year, compared to mankind's supposed output of five billion tons—in an atmosphere of five quadrillion tons. Mankind's contribution is less than one millionth of the total atmosphere.[104] Third, there is no evidence that global warming is a bad thing. Plant life grows much faster in a high carbon dioxide environment.[105] (Scientific creationists have argued since 1961 that such environmental conditions probably existed under the pre-Flood canopy, when men's life spans were far longer.)[106] Fourth, it would be bad economics to invest heavily in anti-global warming technologies today when far cheaper technical solutions are likely to appear long before the supposed problem gets worse.[107] (As for atmospheric ozone, there was no increase or decrease, 1978 to 1991.)[108]

In 1977, Ballantine Books, a popular paperback book company in the U.S., published *The Weather Conspiracy: The Coming of the New Ice Age*. The book began with this warning: "There is growing consensus among leading climatologists that the world is undergoing a cooling

103. Wilfred Beckerman and Jesse Malkin, "How much does global warming matter?" *The Public Interest* (Winter 1994), p. 4.

104. Peter Sawyer, *Green Hoax Effect* (Wodonga, Victoria, Australia: Group-acumen, 1990), p. 20.

105. Research findings on this subject are available from Dr. Arthur Robinson, Oregon Institute of Science & Medicine, P. O. Box 1429, Cave Junction, Oregon.

106. Henry M. Morris and John C. Whitcomb, *The Genesis Flood: The Biblical Record and Its Scientific Implications* (Philadelphia: Presbyterian & Reformed, 1961), pp. 404–405.

107. Beckerman and Malkin, pp. 13–16.

108. Chart, *Access to Energy*, 21 (Nov. 1993), [p. 4]. See also Rogelio A. Maduro and Ralf Schauerhammer, *The Holes in the Ozone Scare* (Washington, D.C.: 21st Century Science Associates, 1992).

trend" (p. 5). But there was no temperature evidence for this frightening scenario, either.

Like Gorbachev, Solzhenitsyn repeated the oft-quoted statistic that the U.S. is a huge consumer of the world's resources. Gorbachev used the 40% figure; Solzhenitsyn used 50%. Neither figure is accurate. The U.S. share of world output/consumption has fallen slowly but steadily as other nations have increased their output and hence their consumption of resources. In 1989, the U.S. share of world output was in the range of 26%.[109] This information was available to the authors in 1993.

Solzhenitsyn complained: "When a conference of the alarmed peoples of the earth convenes in the face of unquestioned and imminent threat to the planet's environment, a mighty power, one consuming not much less than half the earth's currently available resources and emitting half its pollution, insists, because of its own present-day interests, on lowering the demands of a sensible international agreement, as though it did not itself live on the same earth. Then other leading countries shirk from fulfilling even these reduced demands. Thus, in the economic race, we are poisoning ourselves." We must therefore "learn to limit firmly our desires and demands, to subordinate our interests to moral criteria," or else "humankind" will "simply be torn apart, as the worst aspects of human nature bare their teeth."

He recommended no economic blueprint. Solzhenitsyn has resisted offering an economic blueprint—which he sees as Western and hence unspiritual—throughout his career. But he is opposed to capitalism.[110] He has long opposed industrial growth and the ideal of economic progress.[111] He has cried out against the supposed depletion of economic resources.[112] He warned years ago against imminent Malthusian disaster: "*. . . in all cases the population will be overtaken by*

109. *Statistical Abstract of the United States, 1993* (Washington, D.C.: U.S. Department of Commerce, Government Printing Office, 1993), Table 1388: Gross National Product in Current and Constant (1989) Dollars. Some 60 nations are compared with the U.S. There are other, smaller nations not listed in the table whose output would add to the total. This would reduce the U.S. share. Exchange rate correlations are complex; it may be that the actual share of U.S. productivity is underestimated, thereby making the U.S. share of world production higher.

110. On Solzhenitsyn's anti-capitalist economic views, see Mark W. Hendrickson, The Titan and the Marketplace: The Economic Thought of Alexander Solzhenitsyn (unpublished Ph.D. dissertation, International College, 1981), written under Hans Sennholz.

111. Solzhenitsyn, *Letter to the Soviet Leaders* (New York: Harper & Row, 1974), p. 22.

112. Ibid., p. 23.

mass destruction in the first decades of the twenty-first century. . . ."[113] He did predict in 1974 that the creative West would eventually "set about the necessary reconstruction."[114] But he offered no blueprint for this reconstruction, any more than Gorbachev did two decades later. Both men perceive capitalism as morally bankrupt despite—or perhaps because of—its enormous economic success. They damn it as immoral, but they propose nothing to replace it. This opens the door to the creation of a socialistic New World Order in the name of third world poverty, environmental ethics, and overcoming the population explosion. This means a larger, more powerful state with the international authority to bring sanctions against those nations and individuals who violate the new ethical order. The mild socialist (Solzhenitsyn) and the mild Communist (Gorbachev) are strongly opposed to the free market. In this, they are not alone.

3. The Escalating War Against Christian Society

Shortly before he died, Professor Arthur Selwyn Miller of George Washington University completed the manuscript of a book, *The Secret Constitution and the Need for Constitutional Change*. It had been financed by the Rockefeller Foundation.[115] He argued that the United States is governed by two constitutions, one formal and the other secret.[116] The U.S. has always had an elite form of government, he said; "tiny minorities" make the basic decisions.[117] This constitutional dualism is now leading to a constitutional crisis, he said. We must now restructure the U.S. Constitution in order to gain consistency between the two systems, he insisted. But how can this be done? "Extraordinary conditions demand extraordinary, even unique, remedies."[118] These remedies include the following: enforced stabilization of population;[119] the restructuring of the economy;[120] the elimination of the threat of nuclear war;[121] the redefining of national security as protec-

113. *Idem*.
114. *Idem*.
115. Arthur S. Miller, *The Secret Constitution and the Need for Constitutional Change* (Westport, Connecticut: Greenwood, 1989), p. ix.
116. *Ibid*., p. 2.
117. *Ibid*., p. 3. The most detailed treatment of this minority control is found in Philip H. Burch, Jr., *Elites in American History*, 3 vols. (New York: Holmes & Meyer, 1981). Miller relied on this study: p. 3.
118. *Ibid*., p. 135.
119. *Ibid*., p. 81.
120. *Ibid*., p. 84.
121. Ibid., p. 86.

tion against "environmental degradation throughout the world";[122] the equitable distribution of material resources.[123] All of this will require the abandonment of Christianity:

> The Biblical admonition that mankind should have dominion over everything that moves upon the earth (as well as matter that does not move, such as plants and minerals) must be replaced with a view that humanity has an inescapable "oneness" with *nature* and the natural world, and must act accordingly. Dominion under the tenets of Judeo-Christian theology has long been employed as a justification for relentless exploitation of the riches of the planet. This will have to be supplanted by an instruction, divine or otherwise, that humans must protect all of nature's creatures, large and small.
>
> The finite nature of the planet Earth and its *natural* resources must be recognized. There are limits to growth. Anyone who thinks that economic growth can continue indefinitely, says Professor Kenneth Boulding, is either a madman or an economist.[124]

Miller called for a Planetary Constitutional Convention.[125] (This was not a new idea; a similar call was made for similar official reasons in 1974.)[126] "The world is spinning out of control. Chaos masquerades as order. There is a demonstrable destructive logic to human systems. Already the terrible reactions to crises, near and far, are appearing." He listed crime, racism, famines, terrorism, and religious wars.[127] "Population cannot be brought under control, peace cannot be assured, pollution is not controlled, and poverty is everywhere. These situations signify a societal nervous breakdown."[128]

The rhetoric continued to escalate. In 1991, the year before Earth Summit in Rio, the Trilateral Commission, headed by David Rockefeller, published a book through Oxford University Press: *Beyond Interdependence: The Meshing of the World's Economy and the Earth's Ecology*.[129] The authors end their book with this rhetorical warning:

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122. *Idem*.

123. *Idem*.

124. *Ibid*., pp. 86–87.

125. *Ibid*., p. 73.

126. Alfred L. Webre and Philip H. Liss, *The Age of Cataclysm* (New York: Capricorn Books, G. P. Putnam's Sons, [1974] 1975). This book was based on New Age religion: Edgar Cayce's predictions. Part II, ch. 3. The book included sections on Survival and Regeneration (Part III) and The Future World Society (Part IV). This section included the following chapters: Chaos, Millennium, The Federalist Party, A New Constitution, and Global Society.

127. Miller, *Secret Constitution*, p. 72.

128. *Ibid*., pp. 72–73.

129. By Jim MacNeill, Pieter Winsemius, and Taizo Yakushiji, who obviously represented the three blocs of the Trilateral Commission: North America, Europe, and Asia.

"The Earth Summit will likely be the last chance for the world, in this century at least, to seriously address and arrest the accelerating environmental threats to economic development, national security, and human survival. It will certainly be the last major chance for the present generation of leaders and decision-makers to fulfill their basic obligations to their peers, today's youth, and future generations" (p. 128). This is the covenantal language of inheritance: point five of the biblical covenant model.[130]

The question is this: Does this rhetoric reflect the magnitude of the crisis? In the past, it has not. What about today?

J. Rhetoric and Reality

Kennan, Gorbachev, and Miller used the rhetoric of crisis to further their elitist political design. The humanists' apocalyptic rhetoric of inescapable crisis begins with the idea of absolute limits to growth. There is no doubt that there are limits to growth; the fundamental limit is God's final judgment. There are historical limits, too.[131] This is why there are prices. But to say that there are *determinate limits to growth* is very different from saying that any committee knows what and where these limits are, when they will call a halt to growth, and how society should operate after such limits are reached.

All talk about "spaceship earth" is specious and politically motivated.[132] It invokes a military-bureaucratic metaphor—a spaceship—to describe the decentralized decision-making of men and the unplanned operations of nature.[133] Echoing Barbara Ward, Gorbachev used the now-commonplace imagery: Planet Earth and its crew.[134] But the symbol of a spaceship necessarily invokes the image of a captain. Denying the biblical doctrine of a sovereign, transcendent God—the ultimate captain—the socialist must identify other candidates for captainship. One thing is sure: those officers in the control room must be limited in number. They constitute an elite. All rule is hierarchical:

130. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 5.

131. Gary North, "The Theology of the Exponential Curve," *The Freeman* (May 1970); reprinted in North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 8.

132. Barbara Ward, *Spaceship Earth* (New York: Columbia University Press, 1966); Garrett Hardin, *Exploring New Ethics of Survival: The Voyage of the Spaceship **Beagle*** (Baltimore, Maryland: Penguin, 1973).

133. Gary North, "The Mythology of Spaceship Earth," *The Freeman* (Nov. 1969); reprinted in North, *Introduction to Christian Economics*, ch. 23.

134. *Parade* (Jan. 23, 1994), p. 5.

either top-down (Ex. 1) or bottom-up (Ex. 18). But without a captain, the more that power is centralized, the greater the rewards for gaining absolute personal control, and the greater the risks of personal failure to do so. The worst will get on top.[135]

In a world in which many prices fall[136]—a world of expanding productivity, especially in agriculture—the economist must discuss relative prices, not absolute limits to growth. There are limits *at the margin*: I must give up *this* in order to obtain *that*. But most of these limits are temporary.[137] At some price, they can be overcome. The question is: At what price? The other question is: Who pays it? Economist Jacqueline Kasun wrote, "The doomsday literature of limits is shot through with the conceit of absolute capacity, which is alien to economics. . . . In the lifeboat, human beings are pure burdens, straining the capacity of the boat."[138]

The world is almost empty. Fly across any of it and look down. The population apocalyptics of today are like those late Renaissance-era Roman Catholic scientists who refused to look into Galileo's telescope. Sitting next to us on a cross-country flight, the population apocalyptics offer us the same challenge that Groucho Marx offered when caught in the act in a famous scene: "Are you going to believe me or your own eyes?" They will see it when they believe it. As yet, they do not believe it. But hardly anyone believes them any more.

The propaganda of "spaceship earth" escalated in the 1960s. An early example was *The Population Explosion and Christian Responsibility*, published in 1960.[139] From 1965 on, book titles heralded an age of limits—not the traditional limits but absolute limits: *Our Depleted Society*,[140] *Too Many Americans*,[141] *Famine—1975! America's Decision: Who Will Survive?*[142] *The Costs of Economic Growth*,[143] *The Biological Time Bomb*,[144]

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135. F. A. Hayek, *The Road to Serfdom* (Chicago: University of Chicago Press, 1944), ch. 10: "Why the Worst Get on Top."

136. Assumption: a fixed money supply.

137. The main exception is energy: specifically, the supply of oil. Kenneth Deffeyes, *Hubbert's Peak: The Impending World Oil Shortage* (Princeton, New Jersey: Princeton University Press, 2002). Hubbert's peak is the prediction by a Shell Oil geologist in the 1950s, M. King Hubbert, regarding the peak output of oil: before 2010.

138. Jacqueline Kasun, *The War Against Population: The Economics and Ideology of Population Control* (San Francisco: Ignatius, 1988), p. 32.

139. By Richard M. Fagley (New York: Oxford University Press, 1960).

140. By Seymour Melman (Holt Rinehart and Winston, 1965).

141. By Lincoln H. Day and Alice Taylor Day (New York: Delta, 1965).

142. By William and Paul Paddock (Boston: Little, Brown, 1967).

143. By Ezra J. Mishan (New York: Praeger, 1967).

144. By Gordon Rattray Taylor (New York: New American Library, 1968.

The Limits to Growth (a best-seller),[145] *The No-Growth Society*,[146] *The Overdeveloped Nations*.[147] In 1972, a Presidential commission headed by John D. Rockefeller III, a long-time promoter of zero population growth,[148] was issued: *Population and the American Future*.[149]

What was going on during the same period? By 1980, only about 2% of the world's population was threatened with dangerous hunger.[150] What about the incursion of the cities on agricultural land? Mythical. From 1950 to 1960, there was an increase of 9% in total arable land in the 87 countries studied, nations constituting 73% of the world's total land area. There was an additional 6% rise in permanent, arable cropland worldwide, 1963 to 1977, a United Nations study concluded. By 1980 in the United States, under4% of the nation's total land area was used for urban purposes.[151] In short, the rhetoric of imminent crisis was contradicted by the reality of per capita economic growth.

Consider the year 1971. The U.S. had increased crop production by 13% over 1970. Canada had harvested over 50% more wheat. India's output was so great that it had a surplus of eight million tons of grain. India gave Bangladesh 10% of its surplus and averted a famine there.[152] India's food production outstripped its population growth after 1948. Even so, if they had slaughtered all of their non-productive sacred cows in 1971, India's farmers could feed at least 1.2 billion extra people.[153]

Overcrowding? In 1970, all the people on earth and their homes and local parks could have fit on 15% of the land area of the United States. If these four billion people had been willing to live in the same density of population that they accepted in New York City, the entire world's population would have fit in the state of Montana.[154] (But they would not have enjoyed the winters.) It would have been

145. By Donella H. Meadows, Dennis L. Meadows, Jorgen Randers, and William W. Behrens III (New York: Universe Books, 1972).

146. Edited by Mancur Olson and Hans H. Landsberg (New York: Norton, 1973).

147. By Leopold Kohr (New York: Schocken, 1977).

148. John Ensor Harr and Peter J. Johnson, *The Rockefeller Century* (New York: Charles Scribner's Sons, 1988), ch. 23.

149. New York: New American Library, 1972.

150. Eberstadt, "Hunger and Ideology," *Commentary* (July 1981), p. 43.

151. Julian Simon, "Worldwide, Land for Agriculture Is Increasing, Actually," *New York Times* (Oct. 7, 1980); cited by Kasun, *War Against Population*, p. 37.

152. Sassone, *Handbook on Population*, pp. 51, 52.

153. *Ibid*., p. 53. In the 1970s, India tripled its food production by adopting free markets in agriculture. *Science* (Aug. 3, 1984), p. 463.

154. *Ibid*., p. 98.

possible to fit everyone on earth inside the U.S. with the same density of population that prevailed in the state of New Jersey: 1,000 persons per square mile.[155] It is worth noting that the politicians of New Jersey have named it the Garden State.

K. Ethics and Life Style

The twentieth-century West exported the means of increasing poor people's lives. The food problem has been overcome repeatedly since the late eighteenth century. In many backward regions, birth rates remained high, death rates fell, and populations increased. But birth rates fall as wealth increases, people move to the cities, and families' net economic costs of rearing young children rise. *Human behavior changes*. This was a universal demographic experience in the twentieth century.

Environmental determinists who have recognized that people do change their reproductive behavior have shifted the argument from population growth to style of life. The slowdown is insufficient. More is needed—more of less. Less is more. "Small is beautiful," announced Buddhist, non-theistic social theorist E. F. Schumacher,[156] and humanists responded enthusiastically. Arnold Nash wrote: "The initial issue is the *kind* of life that we want to live on this earth as distinct from the *number* of people who are to live this life."[157] He warned about an overcrowded earth which will bring "overwhelming chaos through the entire world in our social life. . . ." We were told that overcrowding in cities produces rising crime. The whole world may well be headed in the direction of Calcutta, "where more than half a million people eat, sleep, live, and die with no home other than the streets. . . ."[158] The critics never ask this question: Is what happens in a Hindu society representative of what must happen in a Christian, pro-growth society?

The problem with the city is not overcrowding as such; it is the widespread loss of faith that takes place in cities. The impersonality of the modern city raises the cost of policing crime; self-discipline becomes more important. The loss of faith produces evil consequences

155. *Ibid*., p. 100.

156. E. F. Schumacher, *Small Is Beautiful: Economics as if People Mattered* (New York: Harper Colophon, [1973] 1975).

157. Arnold S. Nash, "Food, Population and Man's Environment," in Ronald H. Preston (ed.), *Technology and Social Justice* (Valley Forge, Pennsylvania: Judson Press, 1971), p. 326.

158. *Ibid*., p. 327.

faster, since the costs of detection and policing are higher. But the problem is the loss of faith. It is the loss of faith and those communities that grow out of faith.[159] The medieval city was a covenantal association, based on common participation in the Lord's Supper.[160] The modern city is not.

The problem is not, as Nash and many other commentators have insisted, man's growing control over nature. Nash criticized dominion man: "What man has been doing in upsetting so violently the world's natural ecology is simply a prolongation of what he has been doing from the very dawn of his history. He has been trying to change the world of nature."[161] Man is polluting the world. He is poisoning the atmosphere.[162] "Mineral shortages will soon emerge."[163] And so on. *Society and Environment: The Coming Collision* announced the title of a 1972 collection of essays.[164] *The End of Nature* warned Bill McKibben's book title in 1989. Man the destroyer is destroying the natural world.

Step by step, the theology of the critics of economic growth has become more clear: radical humanism in an alliance with a new pantheism-animism. We are, in the words of Berit Kjos, *Under the Spell of Mother Earth*.[165] The literature of eco-animism is large and growing.[166] In June, 1992, the largest gathering of world leaders and media representatives since the founding of the United Nations Organization in 1945 met in Rio de Janeiro for the Earth Summit. Everything is moving toward a new Tower of Babel, all in the name of a common cause: to save the earth from man's productivity.

But where has this productivity come from? The ethical cause-and-

159. Jane Jacobs' criticisms of modern city planning are on target: the devastation of urban planning that destroys older neighborhoods. See especially her *Death and Life of Great American Cities* (New York: Random House, 1971). On the economic viability of cities, see Jacobs, *The Economy of Cities* (New York: Random House, 1969); *Cities and the Wealth of Nations: Principles of Economic Life* (New York: Random House, 1984).

160. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, edited by Guenther Roth and Claus Wittich (New York: Bedminster Press, 1968), p. 1247. This was part of Weber's incomplete *Wirtschaft und Gesellschaft*, written shortly before his death in 1920.

161. Nash, "Food," p. 327.

162. *Ibid*., pp. 327–28.

163. *Ibid*., p. 328.

164. Edited by Rex R. Campbell and Jerry L. Wade (Boston: Allyn and Bacon).

165. Victor Books, 1992.

166. Norman Myers (ed.), *Gaia: An Atlas of Planet Management* (New York: Doubleday Anchor, 1984); Frank Barnaby (ed.), *The Gaia Peace Atlas* (New York: Doubleday, 1988); Judith Plant (ed.), *Healing the Wounds: The Promise of Ecofeminism* (Philadelphia: New Society Pubs., 1989); Anuradha Vittachi, *Earth Conference One: Sharing a Vision for Our Planet* (Boston: New Science Library of Shambala, 1989).

effect relationship announced by God in His law is the answer. The growth of mankind's per capita productivity has come as a blessing from God in response to a growing willingness on the part of various societies to conform outwardly to His laws of private property and personal responsibility. Understand, this has not been merely a growth in productivity matching the increased numbers of men; it has been a system of increasing wealth per individual. The positive economic sanctions listed in Deuteronomy 28:1–14 have been experienced by the West for over two centuries. The power of our own hands has not produced this wealth (Deut. 8:17).[167]

Conclusion

The ultimate resource in history is not man; on this point, Simon was wrong.[168] It is also not the good earth, as the eco-animists argue. *The ultimate resource is the God of the covenant*. But it takes God's grace, both special and common, to make this ultimate resource available to covenant-breakers. This gift of grace involves mankind's ethical transformation: the willingness and ability of large numbers of people to obey God. "For by grace are ye saved through faith; and that not of yourselves: it is the gift of God: Not of works, lest any man should boast. For we are his workmanship, created in Christ Jesus unto good works, which God hath before ordained that we should walk in them" (Eph. 2:8–10).

Society today suffers not from overpopulation but from overregulation. We suffer not from a growing scarcity of resources but from a growing scarcity of freedom. Freedom does not come at zero price. In this sense, it is not natural. It is the product of accurate economic thinking and moral self-restraint. When Malthus wrote of moral self-restraint he had in mind was sexual activity. The moral self-restraint we need today is political restraint.

The lure of Malthus' incomparably inaccurate prediction regarding the overexpansion of human population in relation to food has blinded generations of pessimists and economic planners to the truth. What is the truth? This: *economic liberty, when coupled with futureorientation of the part of many members of society, can and does lead to less hunger, less poverty, and more choices*. Maximum economic growth is achieved when large numbers of people in a society voluntarily adopt the following worldview:

167. North, *Inheritance and Dominion*, ch. 21.
168. Simon, *Ultimate Resource*.

1. Faith that this world is not random, that it is governed by permanent moral principles (i.e., a non-Confucian, non-pragmatic ethic).
2. Commitment to serving consumers as the highest authority (i.e., few government regulations passed in order to favor producers: anti-mercantilism).
3. A political commitment to uphold predictable civil laws that defend private ownership ("Thou shalt not steal").
4. A readiness to compete with all comers, i.e., open entry into the marketplace (anti-licensure, anti-bureaucracy).
5. Future orientation: optimistic people who are ready to invest (deferred consumption).

It is not the state's job to create widespread future-orientation; it is also not the state's job to subsidize the activities of others. The state's jobs is to bring negative sanctions against those who commit public evil. It is to defend the rights of owners over their property—owners' rights, not "property rights."

The problem for underdeveloped nations is not that they have received too little economic aid from Western governments but far too much. They have adopted the false ideas of three or more generations of Western intellectuals who do not believe that individuals can and should regulate their own affairs, bear their own burdens, and reap their own rewards. Instead, the critics of freedom regard the state as a sovereign agent that possesses sufficient knowledge and sufficient creativity to produce wealth for all. What the state has done is to impoverish those who have few economic reserves to make up for the disastrous decisions of government economic planners.

The world does not need fewer people; it needs fewer bureaucrats.

APPENDIX H

CONSPIRACY, FORGERY, AND HIGHER CRITICISM

For we have not followed cunningly devised fables. . . .

I PETER 1:16a

I make an assumption when I come to the text of any biblical passage: it is consistent with all the other passages. I agree with Jesus: Scripture cannot be broken (John 10:35b). This distinguishes my approach from the higher criticism of the Bible, which assumes that there is no unity in the Bible, that every text will be found to contradict at least one other text, and that even within chapters, an astute critic can find lots of inconsistencies. Having identified these supposed inconsistencies, the traditional higher critic then attributes them to the supposed fact that different authors wrote the book, with long periods of time separating them. He makes this assumption regarding the Bible: "Different human authors = irreconcilable statements." He transfers a methodological assumption from the world of literary criticism to the word of God, where it does not apply. He does this because he assumes that the Bible is just another book.[1] He assumes this, in turn, because *he does not want to hear the consistent testimony of the God who brings final judgment against covenant-breakers*. To stop his ears from hearing God's testimony, he fills them with noise: academic incoherence.

What marks the arguments of traditional higher critics is an incoherence born of extraordinary precision. The higher critics of the Bible have sharpened their intellectual tools so precisely that the tools are useful only for splitting academic hairs.

1. Gary North, *The Hoax of Higher Criticism* (Tyler, Texas: Institute for Christian Economics, 1989).

As with any other discipline, higher critics are marked by differences in skill. There are varying degrees of precision and complexity in their arguments. Few scholars in the Anglo-American tradition can match the precision and complexity of the average German scholar. The average German higher critic could identify at least two authors in the words, "Mary had a little lamb; its fleece was white as snow." If given tenure in a major state-supported university, teaching no more than three graduate students in a single four-hour seminar each week, he could, over 10 or 15 years, write an entire volume on "Deutero Mary." Then at least five other German scholars would write a minimum of one book each refuting the first scholar, showing that more than two Marys were involved. The average Anglo-American critic cannot do this. He is not up to the challenge. To identify Deutero Mary, he would need an additional text: "And everywhere that Mary went, the lamb was sure to go."

Traditional higher critics base their case on the supposed incoherence—theological, judicial, and moral—of the Bible's texts. When we read the convoluted, unsubstantiated, jargon-filled, verbally constipated essays and books by higher critics, we get the impression that higher critics assume that the biblical texts are as incoherent as previous higher critics were—that is to say, monumentally incoherent. Higher critics spend at least as much time refuting previous higher critics as they do in explaining how and why the Bible's texts are supposedly jumbled. Traditional higher criticism is composed of layer upon layer of jumbled arguments, not reaching to heaven, like the Tower of Babel, but rather like layers found in an archeological dig: each level has been razed almost completely (but not quite) in order to provide a new foundation for the next critic's reputation. For a critique of the whole procedure, and also the paganism of the university system that has fostered it, see the marvelous book by a former higher critic, Eta Linnemann, *Historical Criticism of the Bible: Methodology or Ideology?* (1990).

A. Professor Hartley's Insight

The conservative Bible scholar is expected by his academic peers to genuflect whenever he visits the ever-expanding mausoleum known as the temple of higher criticism. He is expected to visit it whenever he writes an introduction to a Bible commentary, even if he only passes through briefly. A good example of this obligatory respect for the spiritually dead is found in John Hartley's 1992 commentary on

Leviticus. Hartley's bibliography gives the impression that he had read everything ever written on Leviticus, even in Italian.

In the book's Introduction, he includes a seven-page section in small print on "Author and Origin." Guess what? "Views about the authorship and the origin of the Book of Leviticus vary widely." No kidding! He attributes this situation to two factors: (1) the "sparsity of materials available for reconstructing a history of Israelite worship and the priesthood," and (2) "divergent methodologies for interpreting ancient texts."[2] This is a scholarly, respectful way of saying: "There simply aren't enough documented facts to arrive at an unambiguous conclusion, so every covenant-breaking professor of Old Testament 'literature' who can read Hebrew, German, and English (let alone Italian) can safely propose any goofy theory he can dream up in his attempt to advance his academic career. If published—and in the arid field of Old Testament studies, it probably will be—the theory will have an academic half-life of about five years."

After surveying dozens of speculative, factually inconclusive, and mutually contradictory theories about who wrote Leviticus and when, Professor Hartley gives us his conclusion. Brace yourself. He said that the authors and revisers of Leviticus, whoever they may have been, and whenever they may have lived, surely influenced the Israelite community. But, he hastens to add, we need to recognize that the Israelite community surely influenced the authors and revisers. Specifically, he said that the text of Leviticus had an important role in "forming the ancient Israelite community." Nevertheless, higher criticism has provided us with "great benefits" by revealing to us "the significant role that the community had in shaping and interpreting the text. . . ."[3]

What does all this mean? It means that Professor Hartley, in order to cover his backside from carping academic critics, is still relying on his fading notes from a lecture on "Circular Social Causality in a Linear World" that he scribbled down long ago in some introductory sociology course. (I could be wrong, of course. I suffer from, as he puts it, "a sparsity of materials.")

B. How Did the Forgers Do It?

Hartley's positive view of the legacy of higher criticism is misplaced. The higher critics' theory of mutual interaction between text and

2. John E. Hartley, *Leviticus*, vol. 4 of *Word Bible Commentary* (Dallas, Texas: Word Books, 1992), p. xxxv.

3. *Ibid.*, p. xliii.

community makes no sense. It assumes that many (if not all) specific texts were repeatedly revised in terms of later community standards. We need to think critically about such an assumption. First, everyone acknowledges that the Old Testament contains the only surviving written documents that record the history of Israel in detail from the exodus through the prophets. These texts survived only because the Jews were religious in their intense desire to preserve the texts from error. Copyists have long been governed by elaborate rules to preserve faithful copies. Even in our own day, the Orthodox Jewish community supports such work, despite the existence of photocopies, CD-ROM drives, and "write once-read many" magnetic memories. Working six hours a day, five days a week, a professional scribe takes a year and a half to copy 248 parchment sheets of the Torah (Genesis through Deuteronomy): almost two thousand hours. A newly certified scribe works hard to complete five lines an hour.[4]

Second, the higher critics expect us to believe that later scribes successfully tampered with these texts—not just once, but many times—over many centuries. Third, they want us to believe that nobody outside the continuing conspiracy ever caught on. This is a conspiracy view of history that dwarfs all other examples of the genre. Somehow, all those painstakingly transcribed scrolls that were in the Israelite community disappeared, leaving only the fake one, only to be superseded by later fakes. Like the evolutionist's theory of a mutant gene that somehow makes one member of a complex species uniquely fit to survive—in the face of the huge odds against positive mutation—so is the higher critics' theory of the corrupted text: generation after generation, text after text, the forgeries survived and prospered for a time, re-shaping Israelite culture, only to be completely replaced by other forgeries.

Princeton Seminary's Robert Dick Wilson was one of the most skilled scholars of the Old Testament in his day. He had a reading knowledge of some 45 languages. Despite his academic reputation, he occasionally indulged in sarcasm, even in his professional writing. (Too bad this practice is out of style in today's Bible-believing academic circles; it would liven up things considerably.) Wilson wrote of the Mosaic law:

> . . . the critics have undertaken the difficult task of proving that these laws constitute a series of forgeries, extending over a period of about 500 years,

4. Betsy Thatcher, "Special project: Scribe writing Torah Scroll," *Milwaukee Sentinel* (Dec. 26, 1990).

> committed by more than seventeen different persons, all reformers of the highest ethical standards and all devoted to the service of Jehovah, the God of truth. Besides *mirable dictu*, the forgeries were all successful in that prophets, priests, Levites, kings, and people, were all alike induced to receive them as genuine and to adopt them as obligatory, as soon as they were made known to them. The Jews and the Samaritans, the Pharisees and the Sadducees, the Rabbis, Aristeas, Josephus, Philo, Christ and the Apostles, all accepted the combined works as of real Mosaic authorship. But no amount of camouflage could deceive the critical eyes of the German professors and their scholars (all of whom agree with them; hence the phrase, "All scholars are agreed"). To them the imperfections of the codes and their disagreements, yes, even the particular half century in which each law was promulgated, are as clear as the spots on the sun, if only you will look through their glasses, and are not blinded by prejudice occasioned by faith in Jehovah, or Christ, or by the rules of evidence.[5]

Wilson indulged in ridicule. And why not? As Augustine wrote in *The City of God* (XVIII:40), ridicule is an appropriate response when dealing with ridiculous ideas. He was referring to the pagan theory that the world is much older than 6,000 years—a theory that most seminary professors and Christian college professors today take so seriously that they refuse to discuss the six-day creation, either in class or in print. This has been true for over a century. Even though the Westminster Confession of Faith specifies that the world was created in six days (IV:1), both Charles Hodge and his son A. A. Hodge rejected this doctrine despite their affirmation of the Confession, an untenable position that received considerable attention from the Presbyterian Church's theological liberals and biblical higher critics.[6] Hodge, Sr., wrote: "The Church has been forced more than once to alter her interpretation of the Bible to accommodate the discoveries of science. But this has been done without any violence to the Scriptures or in any degree impairing their authority."[7] He stated that the geological time scale is "unquestionable," revealing "a process of divinely regulated development consuming vast periods of time."[8] While the Bible's account "is infallibly true," we must recognize that

5. Robert Dick Wilson, *A Scientific Investigation of the Old Testament* (Chicago: Moody Press, [1926] 1959), pp. 39–40.

6. On Charles Hodge's age-day theory, see his *Systematic Theology* (Grand Rapids, Michigan: Eerdmans, [1871]), I, p. 570. On A. A. Hodge's open rejection of the Confession in the name of uniformitarian geology, see his book, *The Confession of Faith* (Edinburgh: Banner of Truth Trust, [1869] 1992), pp. 82–83.

7. Charles Hodge, *Systematic Theology*, I, p. 573.

8. *Ibid.*, I, p. 82.

"it was not designed either to prevent or take the place of a scientific interpretation of all existing phenomena, and of all traces of the past history of the world which God allows men to discover."[9]

C. In Search of the Missing Original Texts

To prove that later scribes (i.e., forgers) (1) inserted new material into copies of the received judicial texts, and (2) this new material was consistent with the respective dominant worldview of each scribe's era, the higher critic needs information about the judicial and theological content of these successive worldviews. The problem is, such detailed information is available today only in the Old Testament's historical passages. But these texts, too, are thought to have been corrupted by later copyists. So, where is the fixed standard—the "autograph," as it were—by which a higher critic can evaluate which corruption came during which era? If a judicial text was corrupted by a scribe, but the historical record of the scribe's era was itself subsequently corrupted, how can the higher critic prove that a particular law was inserted by a particular scribe-forger at a particular point in Israel's history? In other words, how can the critic prove that the text influenced the community, while the community influenced the text? Where is the untampered-with evidence? Where is the *fixed textual standard* that is necessary in order to identify which revision was made during which era?

No fixed textual standard exists today. If it did, it would be the long-denied "autograph"—the original biblical text to which defenders of biblical inerrancy have appealed for over a century. Denying the theory of a flawless autograph written down by a God-inspired scribe, each higher critic has been free to promote this or that law as the product of this or that much later scribe. But the critics do not agree on which laws were inserted when. Conclusion: without a fixed textual standard for the Pentateuch, and without uncorrupted historical texts, higher critics cannot identify which worldview assuredly belongs to which era, and therefore which era's worldview led to the forging of which specific legal text. But they pretend that they can. Anyone who openly challenges this pretension in public will probably not be allowed to graduate from the prestige institutions of the academic world, all of which are controlled by the pretenders. Then the absence of such graduates will be presented by the pretenders

9. *Ibid.*, I, p. 83.

as evidence that all serious (degree-holding) scholars agree with the pretension. They employ *circular certification* to validate their theory of *circular causation*: text and community.

1. Copyists' Known Errors Were Deliberately Preserved

Let me state unequivocally: there *are* errors in the surviving biblical texts. That is to say, the texts that have survived are not so perfect as the autographs were. Put another way, *the transcribers were not guided by God in the same way and to the same degree that the original authors were*. Let me state the obvious: those scholars who defend the infallibility of the original texts of the Bible do not defend the infallibility of the subsequent copyists.[10] If they were to defend such a position, they would be denying the uniqueness of the originally infallible Bible. This would defeat their purpose, i.e., to defend the unique revelation of God in the Bible: *one scribe per revelation*.

The existence of obvious errors in the Bible testifies to the extraordinary faithfulness of the transcribers. Consider one exceedingly obvious contradiction: "Jehoiachin was eighteen years old when he began to reign, and he reigned in Jerusalem three months. And his mother's name was Nehushta, the daughter of Elnathan of Jerusalem" (II Kings 24:8). "Jehoiachin was eight years old when he began to reign, and he reigned three months and ten days in Jerusalem: and he did that which was evil in the sight of the LORD" (II Chron. 36:9). Eight years old or eighteen? What copyist could ignore this discrepancy? But his job was not to correct the text, presumably by changing eight to eighteen in II Chronicles 36:9. He let the error in Second Chronicles stand, visible to all.

The defense of the inerrancy of the original written revelation should not also be a defense of the God-sustained perfection of every succeeding copyist. The miracle took place once per text, and only once. Mistakes then followed. That an early mistake would be retained, given the fanatical dedication of the Jewish scribes, is hardly surprising. What ought to be very surprising is the conclusion of the critics, namely, that later copies could have been successfully reworked, except at one point in Israel's history: the discovery of a

10. On this point, the Westminster Confession is misleading: "The Old Testament in Hebrew (which was the native language of the people of God of old), and the New Testament in Greek (which, at the time of the writing of it, was most generally known among the nations), being immediately inspired by God, and, by His singular care and providence, *kept pure in all ages*, are therefore authentical; so as, in all controversies of religion, the Church is finally to appeal unto them." WCF, I:8 (emphasis added).

single copy of the law during Josiah's reign (II Kings 22). A secondary opportunity existed at the return to Jerusalem under Nehemiah (Neh. 8), but this would not have solved the problem of the many texts left behind in Babylon, where a majority of Israelites remained.

2. The Mysterious Disappearance of All Previous Copies

The higher critics, had they not overplayed their hand very early, might have retained the illusion of credibility if they had confined their theory of scribal re-writing to Josiah's era. But once the theory of successive forgeries is invoked, the old question raises its head: *Where did all the previous copies go after a successful forger plied his trade*? The higher critics deride inerrancy's theory of the missing autographs. Far more preposterous is the higher critics' theory of the instantly disappearing rival texts whenever a forgery was perpetrated by some editor or team of editors. In the higher critics' social evolutionary theory of the "textual survival of the fittest," the forgeries somehow gained dominance, while the older copies all "died out as a species." As with Darwin's missing links between species, *the textual "missing links" remain missing*. We are expected to believe that all of the older copies in many synagogues and households somehow perished, but the single forgery and its copies survived, just as we are expected to believe that a single prehistoric reptile triumphed over all of its scaly competitors within the particular species because it had a partially developed feather—not sufficiently developed to make it airborne, however—instead of a claw.[11] ("Take this," cried the mutant lizard as he smashed his opponent with his feather in their life-and-death battle for access to a female. "And that!")

The defender of the inerrant original texts admits that the perfect original copies disappeared very early. Then how did the common Masoretic Hebrew text become dominant? Why are the number of its internal discrepancies so limited? More important, why aren't there hundreds of competing versions with competing errors? Why did one version of imperfect copies survive, and almost all other flawed versions disappear? The only reasonable answer is this: *the major errors must have occurred very early in the copying history of any given text*. After that, competing new copies that failed to correspond with existing copies were burned or otherwise destroyed, as traditional Judaism's rules of copying require. That a copyist's error could occur shortly

11. Vic Lockman, *Link Lizard Defeats Evolution*, a children's cartoon tract that has yet to be answered by tenured university evolutionists.

after the original appeared is conceivable. That a single late forgery could have replaced all the earlier versions is far less believable. The longer that an existing common text had been available, with its familiar errors, the less likely that any recently modified version could have triumphed so completely that all the older versions disappeared. The larger the number of successive forgeries required by the theory, and the longer the time period in which these totally successful forgeries took place, the less believable the theory is, except to men who prefer noise to God's judicial word in history.

D. Relativism Eats Its Own Children

I ask: Of what possible intellectual benefit is any theory of mutually reinforcing historical causation—text and revision—that is based on the shifting sands of higher criticism? The higher critics have no agreed-upon methodology—no hermeneutic—to resolve their own endless disputes. This is one reason why Professor Reventlow was correct in 1980 when he wrote: "Any attentive observer will note a considerable decline in the significance of biblical study within the general framework of Protestant theology as it is practised in universities and church colleges and as it affects the work of local church communities. . . . [H]istorical criticism and exegesis have come to take very much a back place." The "vanishing role of biblical study in the wider context of theology is a failure of exegetes to reflect adequately on their methodology and the presuppositions, shaped by their view of the world, which they bring to their work."[12] Meanwhile, the unity of theology has collapsed; its inner center has disappeared.[13] And no wonder: relying on the presumption of textual disunity promoted by higher criticism, liberal theology could not maintain its own unity.

This is why there has been a shift of opinion occurring within theological liberalism since about 1960: a growing readiness to accept instances of thematic unity in the Bible's texts. Today's more innovative liberals search for literary unity in biblical texts, even though they do not regard literary unity as evidence of divine authorship. The critics still deny the Bible's theological unity, for theological unity points to an unchanging and judgmental God. Literary unity is becoming acceptable, for it supposedly points to anonymous authors with a taste for great literature, which is all that the critics want the Bible to be.

12. Henning Graf Reventlow, *The Authority of the Bible and the Rise of the Modern World* (London: SCM Press, [1980] 1984), p. 1.
13. *Idem*.

The literary criticism of the Bible, which originally launched the literary criticism of secular texts, has now come full circle: modern critics of secular literature have brought to the Bible their practice of discovering common themes in literature. *The emphasis today is increasingly on unity rather than diversity*. The newer critics are still moral relativists, but at least they perceive some coherence in the world of literature. They have seen where absolute textual relativism was headed—into literary chaos—and some of them have turned back. (The literary "deconstructionists" have not.)[14]

American church historian Edwin Scott Gaustad well described the relativistic worldview that undergirded the higher critics early in the twentieth century: "Everything had a history, even dogma, as the German Protestant Adolph Harnack had shown. Very little, if anything, was 'the same yesterday, today, and forever.' Very little, if anything, had been believed 'by all men, always, everywhere.' Very little, if anything, escaped the captivity of its own culture, the relativity of its own terminology, the perceptual limitations of its own advocates."[15] This relativism almost completely eroded the few remaining traces of methodological unity and coherence in the academic discipline of higher criticism. This is what has caused the reaction in recent years. About all that remained of traditional higher criticism by 1960 was the practitioners' faith in the possibility of gaining academic tenure with their arcane skills. Frankly, they all sounded incoherent. But academic reputations are made by developing new approaches. So, to distinguish themselves from their incoherent competitors, some of the newer generation of critics came to a radical conclusion: the Bible's texts do show traces of coherence!

In 1957, Old Testament scholar Edward J. Young pointed to the epistemological problem of his generation of higher critics: "Furthermore, if fallible human writers have given us a Bible that is fallible, how are we ourselves, who most certainly are fallible, to detect in the Bible what is error and what is not? . . . How shall we evaluate the God of Scripture? How do we know whether we can separate the wheat from the chaff in the Biblical teaching about God? The answer is that we simply cannot do so. . . . How then can we judge the Scripture?

14. Harold Bloom, *et al., Deconstruction and Criticism* (New York: Continuum, 1979); Mark C. Taylor (ed.), *Deconstruction in Context: Literature and Philosophy* (University of Chicago Press, 1986).

15. Edwin Scott Gaustad, "*Did* the Fundamentalists Win?" in Mary Douglas and Steven Tipton (eds.), *Religion and America: Spiritual Life in a Secular Age* (Boston: Beacon, 1983), p. 171.

Judge the Scripture we cannot; we are left in a hopeless scepticism."[16] This has become true of the higher critics: they have been left without hope by their own skepticism. All that the best of them have today is a sense of satisfaction for having discovered continuity in a literary theme or two.

The discipline of biblical higher criticism is smoke and mirrors with footnotes. Yet still we find a smoke-inhaling commentator who is stumbling around in higher criticism's hall of mirrors. Professor Hartley doffs his cap to "the great benefits" of the work of higher critics. He genuflects at the mausoleum of dead theories of multiple Pentateuchal authorship. He sings a brief hymn of praise to the circular sociology of knowledge: texts influencing culture, culture influencing texts. The spirit of higher criticism has him by the throat, yet he tries to sing its praises. We need a generation of Bible expositors who are not fooled by this nonsense.

E. One God, One Author, Once

I worked with the texts from Genesis through Deuteronomy from 1973 to 1999. I have found exactly what I assumed from the beginning: *the texts are part of a coherent whole*. This unity exists because a coherent God revealed these texts to one inspired man, Moses. What has impressed me as I have worked through the Pentateuch is how the economic laws of God are part of an integrated judicial and theological system. The economics of the Pentateuch, Genesis through Deuteronomy, makes sense as a unit. This judicial unity enables the reader to make sense of the individual texts. The evidence continues to build: the law of God is not a patchwork of texts that were added and later modified by many anonymous authors over the centuries in a vain attempt to provide unity to an otherwise incoherent collection of mutually contradictory principles. In other words, *the Bible was not written by successive teams of higher critics*. This is difficult for higher critics to believe.

What has impressed me is the judicial unity of the Pentateuch's structure. I regard the religion of traditional higher criticism as a theology too fantastic for a careful reader to believe without a gigantic leap of nonrational faith. How could such unity have been achieved by a series of authors, each with a different outlook, each with a different agenda, each in a different historical era, over many centuries?

16. Edward J. Young, *Thy Word Is Truth: Some Thoughts on the Biblical Doctrine of Inspiration* (Grand Rapids, Michigan: Eerdmans, 1957), p. 76.

How did they produce, retroactively, a document which is supposed to have been written by one man anywhere from five centuries to a millennium earlier, depending on which text was written by which anonymous author, and when? Here is E, the Elohist, rewriting J, the Jehovist (or was it the other way around?), only to be followed by D, the Deuteronomist, who adds his two shekels' worth. Finally P, the priestly redactor, shows up, who in the 1920s had been regarded by critical scholars as the first Elohist, but by 1943 was believed to have served as the Pentateuch's final copy editor.[17]

How did these four forgers do it? How did they hide their identities? How did all the other minor rewrite specialists hide their identities? How was the judicial unity of the variant texts preserved? More to the point, *why did generations of Israelites fail to spot the jumbled nature of the Pentateuch's original legal order*—the disunity that later rewriters somehow overcame? What I have found in the five books of Moses is economic unity. How did it get there? Equally worth asking, why do today's higher critics—academic layer 19? 27? 33?—refuse to acknowledge this remarkable economic unity? They are so busy identifying the supposed linguistic variations of the layers of texts that they cannot see *the structural unity of the judicial order*—not just a literary theme or two—presented in these texts.

Conclusion

Higher critics of the Bible have proposed a theory of biblical textual disunity. Their motivation has always been judicial: to escape the biblical doctrine of final judgment and the correlative doctrine of each individual's personal responsibility before God in terms of God's special revelation. From the beginning, they have opposed the biblical concept of fixed ethical standards.

Their strategy of denial has always rested on the techniques and premises of literary criticism. This tradition began in the mid-seventeenth century, as Reventlow's detailed study of the early history of English higher criticism indicates. It accelerated during the first half of the nineteenth century, even in conservative Calvinistic circles in the United States.[18] The acceptance of higher criticism was made far easier after 1859 as a result of Darwin's theory of evolution through

17. Oswald T. Allis, *The Five Books of Moses* (Philadelphia: Presbyterian and Reformed, [1943] 1949), Introduction.

18. Jerry Wayne Brown, *The Rise of Biblical Criticism in America, 1800–1870: The New England Scholars* (Middletown, Connecticut: Wesleyan University Press, 1969), ch. 6.

natural selection: the survival of the fittest (texts). After 1875, the spread of higher criticism was unstoppable, despite a "guilty" verdict in 1893 in the most famous heresy trial of the nineteenth century, the Briggs case.[19] Evolutionism is modern man's most widely shared alternative to fixed law: in social theory, legal theory, biology, geology, and ultimately cosmology. But cosmology really is primary: covenant-breaking man's denial of God's final judgment.

Evolutionary process when applied to the Bible mandates a theory of progressive rewrites of the texts of Scripture. This theory mandates a conspiracy theory of monumental proportions. The details of the operations of this conspiracy are rarely discussed in public. The theory is never called a conspiracy theory, for conspiracy theories are almost always officially out of favor in academic circles, but it is a conspiracy theory.

This multi-stage conspiracy theory proclaims the successive rewriting of the holy texts by numerous anonymous forgers. Successful forgers were not caught or even perceived. Unsuccessful ones, if any, have also left no traces. Each successful forger suppressed all traces of every previously forged copy of the holy texts. Each forger had a specific goal in mind: to rewrite the past in terms of the his goals for his social order and legal order. Without a convenient Orwellian memory hole, these forgers were somehow able periodically to re-centralize Israel's civil and priestly orders, suppress all rival judicial positions and all earlier texts, publish their new texts, get them accepted as supernaturally binding by the entire social order, and then de-centralize the social order once again, as required by the law's tribal order. Improbable? At least.

This improbability has not fazed the higher critics. Furthermore, this conspiracy theory is academically untouchable: no fundamental criticism of its presuppositions, methodology, or conclusions is tolerated. There are no prominent dissenters within the academic community. The scholarly world has swallowed this conspiracy theory to the same degree, and for the same reasons, that it has swallowed evolutionism. But while Darwinism's missing biological links perished completely through natural causes, leaving no traces, higher criticism's missing textual links were actually ferreted out and suppressed by an unknown number of conspirators. The successful operations of these Israelite conspirators are as improbable as the theory is universally accepted.

19. Mark Stephen Massa, S.J., *Charles Augustus Briggs and the Crisis of Historical Criticism* (Minneapolis, Minnesota: Fortress Press, 1990).

Biblical higher criticism is never identified as a conspiracy theory. What more could anyone ask of a conspiracy theory? Paraphrasing Saddam Hussein's late 1990 pre-war rhetoric, higher criticism of the Bible is the mother of all conspiracy theories. It began in Eden: "Hath God said?"

APPENDIX I

CRITICS OF THE FIVE-POINT COVENANT MODEL

> *In analyzing now the nature of Biblical law, it is important to note* ***first*** *that, for the Bible, law is revelation. . . . The law is the revelation of God and His righteousness. . . . The* ***second*** *characteristic of Biblical law is that it is a treaty or covenant. Kline has shown that the form of the giving of the law, the language of the text, the historical prologue, the requirement of exclusive commitment to the suzerain, God, the pronouncement of imprecations and benedictions, and much more, all point to the fact that the law is a treaty established by God with His people. . . . The* ***third*** *characteristic of the Biblical law or covenant is that it constitutes a plan for* ***dominion under God****.*
>
> R. J. RUSHDOONY (1973)[1]

Rushdoony began *The Institutes of Biblical Law* by explaining biblical law in terms of a preliminary but undeveloped model of the biblical covenant: the first three of the five points. He cited as authoritative Meredith G. Kline's discussion of the parallels between the Mosaic law and the pagan suzerainty treaties of the second millennium B.C. But, having introduced a preliminary covenant model into this, his most authoritative and comprehensive work, he failed to pursue this insight. Ray Sutton did. In *That You May Prosper* (1987), he extended Kline's insights to demonstrate the Bible's comprehensive theonomic foundation. Kline did not approve of this theonomic application—or any other theonomic application—and remained silent for two decades regarding Sutton's book. This is not surprising. Kline's premier opponent in the theonomy movement, Greg Bahnsen, did not appreciate works built on Kline's insights, and he remained unconvinced by Sutton's application. This is also not surprising. Because the de-

1. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 6, 7, 8.

velopment of the five-point model came out of Tyler, and because it places so much emphasis on the institutional church, Rushdoony remained silent. This, too, was not surprising. This has left me as the main promoter of Sutton's thesis.

A. The Necessity for Systematic Theology

Charles Hodge's re-write of Francis Turretin's seventeenth-century theology[2] in the early 1870s will no longer suffice, assuming that it ever did. His system was a Protestant version of Roman Catholic Scholastic categories. It included theology proper (God), anthropology (man), hamartiology (sin), Christ (Christology), soteriology (redemption), ecclesiology (church), and eschatology (last things). There is nothing innately incorrect about these categories, but they were derived from Scholastic philosophy, not the texts of Scripture. Francis Landley Patton, who served as president of Princeton Seminary, 1902 to 1914, was not exaggerating when he referred to Turretin as the Thomas Aquinas of Protestantism.[3] That was the problem: with Turretin and Old Princeton.

The Protestant church needs a systematic theology. It does not have one today. Such a systematic theology must incorporate the insights of biblical theology, i.e., the study of the uses and development of biblical symbolism (rhetoric) from Genesis to Revelation. In other words, systematic theology must incorporate the work of Geerhardus Vos and his disciples.[4] At the same time, the speculations of Vos' disciples must be brought under the discipline of the judicial theology of the Bible. Those who follow Vos have been what economist F. A. Hayek has called "puzzlers" and "muddlers."[5] There is more to theology than solving curious puzzles. Ecologists insist that we cannot change just one thing. The pieces of the biblical puzzle are part of a systematic whole. You cannot restructure just one piece.

Theology demands structure. *There can be no theology without theological structure*. It may be an implicit structure, but there will always

2. Francis Turretin, *Institutes of Elenctic Theology*, 4 vols. (Phillipsburg, New Jersey: Presbyterian and Reformed, 1992–97).

3. Cited by Jack B. Rogers and Donald K. McKim, *The Authority and Interpretation of the Bible: An Historical Approach* (New York: Harper & Row, 1979), p. 281.

4. Geerhardus Vos, *Biblical Theology–Old and New Testaments* (Edinburgh: Banner of Truth Trust, [1948] 1992). Vos taught at Princeton Theological Seminary from 1892 to 1932.

5. F. A. Hayek, "Two Types of Mind" (1975), in Hayek, *New Studies in Philosophy, Politics, Economics and the History of Ideas* (Chicago: University of Chicago Press, 1978), ch. 4.

be a structure. A Bible-affirming theology must proclaim a biblically derived structure. In contrast, modern critics of orthodox theology deny the existence of any consistent structure. For example, liberal higher criticism denies the theological unity of the Bible.[6] The rise of dialectical theology, especially Barthianism,[7] in the twentieth century has made it all the more imperative that Christians proclaim a Bible-based theological system. Barthians deny that the Bible provides us with propositional truth; the Bible is supposedly is a "witness to God's word," not God's word itself. Rushdoony has put it well: "There can be no systematic theology if the God of Scripture is not a coherent unity, and if His word is not a coherent whole."[8] Christians must respond to allegations of the Bible's disunity or incompleteness by affirming what the Bible says of itself: it is the authoritative source of propositional truth, suitable for doctrine, reproof, and correction, for it is inspired by God (II Tim. 3:16). It is not sufficient to defend the faith with some muddle-headed variant of "No creed but Christ, no law but love."

What should be the structural principle undergirding systematic theology? It is my contention that a biblical systematic theology must be based on the covenant: that which binds God and man. Covenant theology reveals who God is: the transcendent yet immanent Creator. It reveals who man is: made in the image of God; under God and over nature, and now ethically fallen. It speaks of God's law, God's judgments, and the future. It is a comprehensive framework under which the fundamental doctrines of the faith are subsumed. It is, above all, a judicial framework.

Such a systematic theology has yet to be written, for traditional covenant theologians have yet to present a systematic biblical covenant model. Without a covenant structure or model, there is no covenant theology. There can of course be a theology that for tradition's sake is called "covenant theology," but it will just be Calvinism's five points accompanied by the endless droning of the equivalent of a New Age mantra: "Covenant theology, covenant theology, covenant

6. Appendix H.

7. Cornelius Van Til, *The New Modernism: An Appraisal of the Theology of Barth and Brunner* (Philadelphia: Presbyterian & Reformed, 1947); Van Til, *Christianity and Barthianism* (Philadelphia: Presbyterian & Reformed, 1962). Presbyterian & Reformed is now located in Phillipsburg, New Jersey.

8. R. J. Rushdoony, *Systematic Theology*, 2 vols. (Vallecito, California: Ross House, 1994), I, p. 67. He wrote this chapter in 1979. The entire manuscript was completed in 1984.

theology. . . ." What traditional covenant theologians need is a demonstrable, biblically derived definition of "covenant." They need to answer these questions: What is a covenant? How do we recognize it? Where is it found in the texts of Scripture? What are its categories that are found in *every* occurrence of a covenant in the Bible? Covenant theologians have remained mute or incoherent regarding answers to these obvious questions for well over three centuries.[9]

Calvinists, while publicly affirming covenant theology, have for over three centuries substituted other conceptual frameworks for systematic theology. Their seven loci represent one attempt to define and explain the Calvinist faith. Another: the five points of Calvinism.

B. The Five Points of Calvinism

Calvinists accept the 1619 Synod of Dort's five points of Calvinism. They would reject any assertion that these five points do not, in fact, define their position. No anti-Calvinist critic would be foolish enough to make such an assertion, since everyone loves a good whipping boy, which the five points appear to be in the eyes of Arminians and humanists. Some good Calvinist may ask, as Leonard Coppes asked, "Are five points enough?"[10] but no one pays much attention. The better informed within Calvinist circles will even point out that all five points were developed in the early seventeenth century in response to the five points of Arminianism, Jacobus Arminius' Trojan Horse gift to Protestant theology: the five points of Arminianism. What are Calvinism's five points? In English, these:

1. **T**otal depravity of man
2. **U**nconditional election by God
3. **L**imited atonement (particular redemption)
4. **I**rresistible grace
5. **P**erseverance of the saints

The acronym in English is TULIP, a Dutch-associated flower.

Calvinists are quite content to proclaim these points. The TULIP acronym helps them remember exactly what they believe that distinguishes them from their rivals. But then along comes Sutton, with his

9. For an example of this lack of definition, see Louis Berkhof, *Systematic Theology* (Edinburgh: Banner of Truth Trust, [1949] 1963), p. 213. For my analysis, see "Publisher's Preface (1992)," in Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), pp. xiv–xv.

10. Leonard J. Coppes, *Are Five Points Enough? The Ten Points of Calvinism* (Manassas, Virginia: Reformation Educational Foundation, 1980).

five-point model. "No, no," the Calvinist critics cry. "His structure is imposed on the Bible!" So, let us consider Sutton's five points, but in a different order:

1. **T**otal depravity/*Ethics* (man's)
2. **U**nconditional election/*Oath* (God's)
3. **L**imited atonement/*Hierarchy* (representation)
4. **I**rresistible grace/*Transcendence*
5. **P**erseverance of the saints/*Succession*

To which the Calvinist critics reply (if at all): "Oh. A structure. A model. Five points. Hmmmm. Interesting. Yes, I see your point. In fact, I see five points. But. . . . But this proves nothing. *Nothing*!" The fact that Sutton's model precisely fits all five points of Calvinism is dismissed as irrelevant. More than this: it is dismissed as proof that Sutton's model is just too simple, just too universal, just too easy, just too good to be true. It therefore cannot be true. The Calvinist critics casually dismiss the huge theological benefit to them of the existence of a rigorously tight fit between the two five-point models. What benefit? If Sutton's model is based on the exegesis of specific biblical texts, then *the structure of the five points of Calvinism can be shown to be covenantal*. This makes the five points of Calvinism *structurally* biblical, not just abstracts of five structurally disjointed theological conclusions.

There is no single text anywhere in the Bible that teaches the five points of Calvinism. Calvinists know that their beloved five points were derived from a number of different Bible texts, none connected structurally to the others (they suppose), none exhibiting a self-contained structure in itself (they suppose). The five points of Calvinism are regarded by their defenders as a system—not one derived structurally from the texts, however, but *deduced* from many texts *and then imposed on theology as a whole*. This theological imposition—this theological "Procrustean bed"—is regarded as legitimate by Calvinists. Why? *Because they readily admit that their five-point system is not derived from any biblical text*. This obvious apologetic weakness is regarded by them as Calvinism's pre-eminent strength!

Then I came along using Sutton's discovery[11] and announced in effect: "Look, brethren, here it is at long last: an exegetical defense of our beloved five points. The structure of Calvinism's five-point model really *is* derived from the structure of God's word after all.

11. North, "Publisher's Preface (1992)," *That You May Prosper,* 1992 edition, p. xvi.

Before Sutton, we had no proof of this wonderful fact, but now we do." Are they happy? Of course not. They much prefer to admit that Calvinism's five points are not found in any particular text. Then they insist that this fact makes their five points more reliable than Sutton's five points, which are found in many, many texts. It is a very strange business, this movement called Calvinism.

Traditional covenant theologians defend a deduced theological system that they claim is biblical, yet they are without a precise covenant model. They deeply resent and resist Sutton's fusing of Calvinism and the biblical covenant. Why? Two reasons. First, Sutton's model proclaims not only predestination (point one), but ecclesiastical hierarchy (point two), theonomy (point three), the Lord's Supper as an act of covenant renewal (point four), and postmillennialism (point five). One or more of the final four doctrines will bring howls of protest from almost any Calvinist defender of predestination, i.e., point one, God's absolute sovereignty. Second, Sutton discovered it first, and he was outside of academia at the time he discovered it. "Not discovered here" is the academician's reason for automatically rejecting any new idea or discovery.

C. The Four Points of Christian Reconstruction

Within the world of Calvinism has arisen an even more precise, even more theologically rigorous subset: Christian Reconstruction. The Reconstructionists also have a model that distinguishes them from everyone else. They are proud of it. It has four points:

1. Predestination[12]
2. Theonomic ethics
3. Presuppositional apologetics (Van Til)
4. Postmillennialism[13]

The two rival camps—Tyler and Vallecito—were agreed on all four. But there is one additional point: the doctrine of the covenant itself, i.e., the five-point model. Where does it fit? It is point two in a revised Reconstructionist outline.

12. Rejected by would-be Arminian Reconstructionists.

13. Rejected by premillennial and amillennial theonomists, who sharply distinguish Christian Reconstruction from theonomy. There are very few of these people, and none has offered a theological defense of his system. See, for example, Peter Burden-Teh, "Theonomic and Historic Premillennialism," *Calvinism Today* (Jan. 1994), and my response, "Eschatology and Social Theory," *Christianity and Society* (April 1994). Address: P. O. Box 1, Whitby, North Yorkshire, England.

1. Predestination/transcendence
2. Covenant/hierarchies: church,[14] state, family
3. Theonomy/ethics
4. Presuppositionalism/judgment
5. Postmillennialism/inheritance

The offensive point is point two: hierarchy. Among some Christian Reconstructionists, a rejection of the doctrine of the church's authority is common. Some theonomists want independent churches. Some want none, i.e., none with any judicial authority to excommunicate. They see clearly where Sutton's five points lead: toward a hierarchical church authority that brings lawful judgments in history, just as John Calvin insisted[15] (point two: hierarchy/representation). This also implies that churches should offer frequent (weekly) communion, just as John Calvin insisted[16] (point four: oath/sanctions). It means employing young child communion, retarded member communion, and Alzheimer's victims communion as a means of covenant renewal (point four).[17] This view of the Lord's Supper is not acceptable to most Presbyterian Reconstructionists. They are quite content to accept the five points of Calvinism plus four points of Christian Reconstruction. They have not rushed to embrace Sutton's thesis. They are willing to adopt theological models, but only so long as these models are not presented as biblically authoritative.

D. A Biblical Structure for Biblical Theology

One of the problems I face in promoting the five-point covenant model is this: its theologically conservative critics do not like the thought that there is an authoritative model for theology that was discovered this late in church history. There is an innate suspicion among Reformed theologians that theological innovations are generally dan-

14. With the church as primary or central, not the family: the major point of conflict between Tyler and Vallecito. See Appendix B: "Rushdoony on the Tithe: A Critique."

15. Calvin did not like the word "hierarchy." John Calvin, *Institutes of the Christian Religion* (1559), IV:iv:4. But his doctrine of infant baptism rested on a doctrine of judicial representation by parents. *Ibid.*, IV:XVI:7, 17–20. He believed in a similar judicial representation in church government. He defended the office of bishop if the bishop is under the judicial authority of the assembly. That is, he defended episcopacy while rejecting prelacy (rule by sovereign bishops). *Ibid.*, IV:XI:6.

16. *Ibid.*, IV:XVII:44.

17. If young children are not allowed to take communion because they do not understand its theological ramifications, what about retarded adults and people suffering from Alzheimer's disease? But if the latter may lawfully take communion, on what basis are young children excluded? Age? But what non-Baptist Calvinist church identifies age as such as the legal boundary between participation and exclusion?

gerous. I respect this attitude, but only as an initial presupposition. I agree: major theological innovations should be considered guilty until proven innocent. Even small innovations are suspect. The camel of heresy has repeatedly pushed its way into the tent of orthodoxy with small innovations. Nevertheless, each suggested innovation must be examined in terms of the Bible. The church does discover new biblical facts. There has been progress in church history. There has been progress in the development of the confessions and creeds of the church. The church does not still rely exclusively on the Apostles' Creed.

I have stated the case for the five-point model very strongly. I have argued that it is a major integrating theme in the Bible. The five-point model, I have argued, is *the* integrating model for understanding covenantal law and covenantal relationships. Therefore, to the extent that the biblical theme of covenantalism is essential to some passage, the *judicial aspects* of one's interpretation of this passage must be explored initially in terms of the five-point model. Not every passage in Scripture is visibly covenantal, but a lot more are covenantal than is admitted by non-covenant theologians.

The fact that non-covenant theologians should reject my sweeping use of the five-point model is understandable. They refuse to accept the idea that the covenant is a major theme in Scripture. What bothers me is that so many professed defenders of covenant theology reject the applicability of the five-point model beyond the Book of Deuteronomy. Meredith G. Kline, an early promoter of the Deuteronomy model in his book, *Treaty of the Great King* (1963), ignores it with respect to the New Covenant, the Decalogue, and a great deal more. Not only do covenant theologians reject the five-point model, they refuse to consider the evidence of its wide applicability in those texts of Scripture that Sutton examined in his monthly newsletter, *Covenant Renewal*, 1987–1993. The critics are either unfamiliar with this newsletter or pretend that it never existed.

That the five points fit Deuteronomy was not a revolutionary observation late in the twentieth century. What was rejected, and rejected strongly, was any suggestion that the structure of Deuteronomy is relevant for anything beyond Deuteronomy. I am showing, commentary by commentary, that the same five-point model that structures Deuteronomy also structures the Pentateuch itself. The five books of Moses, in their very arrangement, reflect the five points of the covenant. When I say *reflect*, I mean *governed by*. This is another way of saying that *the Pentateuchal model is the archetype*. Deuteronomy's structure is

a subordinate application of this archetype. The same is true of the structure of Leviticus and Exodus.

It is not wrong to look for governing structures in the texts of the Bible. It is not automatically heretical or ill-informed to announce the discovery of a theme or structure in numerous texts. To discover and expound such patterns is one of the tasks of the discipline known as biblical theology. It is true that I cannot go to a verse in Scripture that says: "Lo, thou findeth the five-point model of Deuteronomy also in the structure of the five books of Moses." Writing biblical theology is not that easy. Try reading the works of Geerhardus Vos if you doubt me. But Vos was a master of the Scriptures, and it is a serious mistake to dismiss his methodology.[18] Had the other Princeton theologians understood what Vos was doing, and had they used his insights to restructure their late-nineteenth-century version of Turretin's seventeenth-century Protestant Scholasticism,[19] they might better have resisted the forces of theological liberalism that captured Princeton Seminary in 1929. Presbyterian liberals after 1875 used an imported version of biblical theology—higher criticism—to undermine men's confidence in traditional Calvinist orthodoxy.[20]

E. Then Came Fisher

Critics of the broad use of the five-point model now have a major problem: Milton Fisher's Foreword to the 1992 edition of *That You May Prosper*. Dr. Fisher at the time was without doubt the most thoroughly credentialed Bible-believing Old Testament scholar in the United States, and probably anywhere. He received his Ph.D. in Mediterranean studies from Brandeis University, written under the legendary Cyrus H. Gordon, and an M.A. from Johns Hopkins in oriental studies, completed under the equally legendary W. F. Albright. Dr. Fisher wrote the following:

> The book you now hold in your hand is doubtless the clearest exposition of Bible-as-covenant (that is, Bible as meant to be understood) that you've ever read. That's because the author has spelled out in no uncertain terms the implications of historic reformational covenant theology in the light

18. A good introduction is *Redemptive History and Biblical Interpretation: The Shorter Writings of Geerhardus Vos*, edited by Richard B. Gaffin (Phillipsburg, New Jersey: Presbyterian and Reformed, 1980).

19. Hodge's *Systematic Theology* (1871–73) was adopted by Princeton because by that time, American students could no longer read Latin well enough to read Turretin.

20. Gary North, *Crossed Fingers: How the Liberals Captured the Presbyterian Church* (Tyler, Texas: Institute for Christian Economics, 1996), pp. 160–63.

> of current scholarship. . . . Its commanding logic demands your interaction with the flow of reasoning and its often surprisingly fresh suggestions will prove a stimulus and assistance to your formation of judgments of your own. . . . Fresh insights into God's Word are sure to be gained, to say the least, through Sutton's work. I found it to be so, after nearly half a century of serious study and teaching of the Bible. Thinking through this book will enable you to focus upon and relate by covenantal principles certain details which you have either overlooked or found puzzling. . . . So, a revived interest and excitement in Bible study is an assured byproduct of reading this book.

When you read criticisms raised by "Deuteronomy only!" critics, keep this question in the back of your mind: "How did poor old Milton Fisher get taken in so completely by such a misleading, overstated book as Sutton's?" Then ask yourself this question: "Or it is possible—indeed, highly probable—that the critic, in this case at least, does not know what he's talking about?"

F. *Sola Scriptura*

Anyone who believes that the acids of modernity have not seeped into the temple, let alone the gates of the city, need only consider the implicit relativism of many who today present themselves as the defenders of *Sola Scriptura*. They do exactly what the modernists did in their capture of the mainline denominations in the early twentieth century. The modernists also dismissed all creeds, confessions, and biblically derived models as convenient theories without binding theological, judicial, or ecclesiastical authority. The modernists sought to escape three things: the judicial authority of the churches, the theological boundaries of orthodoxy, and negative church sanctions. They were successful in this attempt. They inherited the conservatives' theological and financial legacies, denomination by denomination. (They did not, however, escape the sovereignty of God, His authority, His theological standards, and His eternal sanctions. As each modernist has crossed the biological boundary of death, he has been disinherited.)

Consider the Calvinist. If Calvinism's five points are just one more convenient but non-binding classification scheme among many, in what way are they *theologically* binding? Merely on the basis of personal taste? To most people, all five of Calvinism's points taste rotten. If theology is symphonic,[21] what if someone wants to hum a new

21. Vern S. Poythress, *Symphonic Theology: The Validity of Multiple Perspectives in Theology* (Grand Rapids, Michigan: Zondervan, 1987).

tune? What if the tune is really catchy? This is the question of theological standards (point three).

If Calvinism's five points are not textually derived, and if their "mere" theological status—their status as a theological model—makes them institutionally non-binding, how can anyone logically justify the establishment of a Calvinist church in terms of the five points? The question, "Are there more than five points?" can far more easily become: "Are there fewer than five points?"

What Calvinists need is a textually binding and theologically binding structure. And now we have it. But Calvinists do not want it.

There is inescapable evidence in Deuteronomy of a five-point structure.[22] This is my starting point for any discussion of Sutton's five points. I ask, not altogether rhetorically: "Well, Mr. Calvinist Critic, which biblical book is structured in terms of the five points of Calvinism? Also, Mr. Theonomist Critic, which biblical text reveals the four points of Christian Reconstructionism?" The answer to both questions is *none*. Worse, the defenders of the "many theological models, but none with any binding authority" thesis like it this way. It somehow comforts them to know that what they believe with all their hearts in actually only a mental construct: *a convenient but judicially disposable theory*, without a single book or text in the Bible that reveals its outline. Conclusion: if Sutton had only the Book of Deuteronomy, he would still be one book ahead of all of his critics except Meredith G. Kline, who has remained prudently mute on the thesis of *That You May Prosper*, despite its appendix on his theology.[23]

G. Countering the Critics

In 1986, a year prior to the publication of *That You May Prosper*, I decided to undermine the legitimacy of what I knew would become the standard criticism of Sutton's thesis: "Deuteronomy only!" I hired Sutton to write a monthly newsletter, *Covenant Renewal*. Each issue discussed a specific biblical passage or text that is structured in terms of the five-point model. Each newsletter was the equivalent of 18 double-spaced typed pages. The first issue appeared in January, 1987. Only in the spring of 1993 did he cease writing it on a regular basis because of his duties as president of Philadelphia Theological Seminary, the seminary

22. Deuteronomy 1:1–5; 1:6–4:49; 5–26; 27–30; 31–34. Cf. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012).

23. Sutton, Appendix 7: "Meredith G. Kline: Yes and No."

of the Reformed Episcopal Church.[24] There were over seventy issues of Sutton's newsletter, more than 1,200 double-spaced typed pages of evidence. This effort cost ICE a great deal of money: tens of thousands of dollars. Why did ICE go to this expense? Answer: to remove forever the legitimacy of the "Deuteronomy only!" argument.

The existence of *Covenant Renewal* did not silence Sutton's many "Deuteronomy only" critics, nor did I expect it to. But these critics have systematically failed to mention the existence of *Covenant Renewal*. This deliberate silence has fooled most of their victimized followers, but it has also condemned these critics before God (ninth commandment: bearing false witness). This surely was worth ICE's money.

My publishing strategy has now led to another kind of criticism. It goes as follows: "Yes, Sutton's model fits all kinds of passages. This proves that it cannot possibly be biblical. It is just too convenient. It is just too good to be true. It is therefore an invention of man. The more passages it fits, the more clearly it has to be a counterfeit." I call this the "one size can't fit all, unless it is stretched out of shape" criticism, also called the "too good to be true" criticism. But it represents a major retreat from the "Deuteronomy only" criticism.

These critics have a strategy, one described by Van Til in a fine analogy. They stand in front of what they regard as a bottomless pit. Each one holds a large shovel. "Throw any fact you like at us!" So we do. One critic after another takes his shovel and tosses the most recent fact over his shoulder into the pit. "Now throw us another. We dare you! We double-dog dare you!" This can go on for years, as I hope to prove. It is expensive to keep tossing the facts at them, but as the defenders age, those shovels will become increasingly heavy for them. They will also find that their brighter disciples are decreasingly impressed with this unproductive defensive strategy. The fact is, there are no bottomless pits in life. Even if there were, there is more to the defense of a position than shoveling facts into a pit. Those who adopt this strategy never move forward. Their disciples eventually conclude there is more to theology than bottomless pits, and more to eschatology than stationary shoveling. There is, in the final analysis, the Great Commission.[25]

These critics never respond to specific presentations with specific

24. Sutton will tell anyone that the academic approval of *That You May Prosper* is what led to his presidency. He was awarded the Th.D. from the Central School of Religion in England in 1988, and this led to his new job.

25. Kenneth L. Gentry, Jr., *The Greatness of the Great Commission: The Christian Enterprise in a Fallen World* (Tyler, Texas: Institute for Christian Economics, 1990).

refutations; they just shovel each new fact over their collective shoulders. This is regarded as first-rate scholarship by today's seminary faculties. This is why Christianity can be so easily dismissed by its critics as the faith of old women of both sexes. *Christians are not taken seriously because most of them do not take ideas seriously*. Calvinists always had one thing going for them within the Church International: they were Protestantism's scholars. No longer. The academic neo-evangelicals have replaced them. But these neo-evangelicals are defenders of theological mush—heavily footnoted mush. This leaves modern evangelical Protestantism as intellectually paralyzed as Israel's army was before Goliath. But when Sutton, like David, arrived from the pastoral hinterlands bearing his five stones, the army's officers were deeply resentful. They still are.

It is not sufficient to be a defender if a battle goes on indefinitely. The offense eventually wins. The longer the battle continues, the truer the old slogan: "The best defense is a good offense." It does little good for a critic to reject Sutton's thesis unless he has a better one to put in its place. All the critics—the "Deuteronomy only!" critics and the "One size can't fit all!" critics—are united in this confession: "All theories are equal, but one is more equal than others: our rejection of Sutton's five points."

The assumption of the critics is that God has no integrated covenantal structure in His mind; at least, His revelation does not reveal such a structure. God's mind supposedly operates without an identifiable pattern with respect to covenant theology: so the covenant theologians insist. When Sutton presented many passages in the Bible that conform to the five-point model, the critics automatically dismissed his discoveries as man-made "eisegesis": reading a structure into the text. They are insistent: "Covenant theology has no biblically authoritative structure!" This, it should be pointed out, is exactly what myriads of critics of covenant theology have maintained for about three centuries.

H. Biblical Analogical Reasoning

The theoretical question is this: If man's mind is analogous to God's, thinking God's thoughts after Him, then if man does not receive these patterns from God's mind, how can man be said to be made in God's image? If we cannot find intellectually and judicially binding patterns in the Bible, how can we render judgment in terms of God's priorities? Are we stuck with Barth's dialectical god: wholly concealed

yet wholly revealed? Or has God revealed Himself *clearly* to creatures who are morally and judicially bound to speak His word in a creaturely but covenantally faithful manner?

In 1978, Rushdoony wrote: "The canon or rule of life and faith is either from God or from man. It is either the canon of covenant law, or it is the canon of man's word as law."[26] A year later, he published an essay denying the existence of any underlying master (humanist) principle. He insisted: "The quest for a master principle is in essence anti-Biblical and is destructive of Christianity."[27] It is worth noting that he used a five-point argument in his attempt to prove this. Each of his five points conforms to one of the biblical covenant's five points, a fact Sutton noted in 1987.[28] Sutton's critics face the dilemma of every covenant theologian who denies that God's covenant has a fixed structure: *without a structure, there can be no covenant*.

If you do not have a *theological model*, you do not have a *principle of biblical interpretation*: a hermeneutic. Christians need a hermeneutic. The question is: What should it be? Theological liberals have one: "The Old Testament, but, above all, the Book of Leviticus, is judicially irrelevant." The problem is, most evangelicals share this opinion of the Old Testament, and especially of Leviticus.

I. The Substitution of Rhetoric for Evidence

My arguments and evidence regarding the broad applicability of the five-point Pentateuchal model are rarely commented on by critics except indirectly. I would put it even more strongly: the specifics of what I have written are never commented on; the blackout strategy is in force. Those few critics who seem to understand what I have written are universally unwilling to go into print with the specifics of their case against my arguments, as well as Sutton's text-by-text evidence. Instead, they resort to rhetoric, and misleading rhetoric at that.

1. Sandlin's Attack

Let us consider a representative case of this rhetorical strategy. Rev. Andrew Sandlin, at the time a Christian Reconstructionist, wrote of my broad application of the Pentateuchal-covenantal model:

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26. R. J. Rushdoony, *Infallibility: An Inescapable Concept* (Vallecito, California: Ross House, 1978), p. 26; *Systematic Theology*, p. 23.

27. Rushdoony, *Necessity for Systematic Theology*, p. 62; *Systematic Theology*, p. 108.

28. Ray R. Sutton, "The Inescapability of a Master Principle," *Covenant Renewal*, I (June 1987). Rushdoony's essay is titled, "The Search for a Master Principle," ch. 16.

> What is objectionable about this insistence is that, like scholastic dispensationalism, five-point covenantalism when applied as a textual and theological construct is not exegetically derived. To extrapolate from Deuteronomy's patent covenantal structure to the view that Sutton's version thereof 'must serve as the necessary classification scheme for all orthodox Christian theology' is unwarrantable inasmuch as it is an implicit denial of the reformation principle of *Sola Scriptura*. To the Reformers Scripture itself is the ultimate authority; and when useful biblical models we develop begin to supersede the Scriptures themselves 'as the necessary classification scheme for all orthodox Christian theology,' we come dangerously close to a crypto-Catholicism in which the word of man competes with and dominates the word of God.[29]

I was the target of his rhetoric. He called my exposition on the covenant an example of "overrefinement" and "confusion."[30] When a biblical scholar's exposition is not exegetically derived, is overrefined, and is confused, it must be deeply flawed. The accuser presumably has considerable evidence to support his charges. Unfortunately, in the case of the most vociferous of my critics, they never do. They insist; they do not attempt to prove. They employ rhetoric; they do not offer evidence.

Sandlin also said that "North's insistence introduces sectarianism into reconstruction."[31] He then compared me with militant fundamentalist Bob Jones II—which I find amusing, but Bob Jones III would not. (BJIII and I had a lengthy exchange of hostile letters in the late 1970s regarding the definition of fundamentalism). Nevertheless, his accusation regarding my concern about sectarianism was not off the mark. I am indeed doing my best to make the five points of the biblical covenant model a defining feature of Christian Reconstruction: specifically, point two of the five points (not just four) of Christian Reconstruction. Once again, these five points are: (1) the absolute sovereignty of the Trinitarian Creator God (Calvinism-Augustinianism); (2) the covenant itself, which is governed by the five points; (3) biblical law (theonomy); (4) Van Til's presuppositional apologetic method; and (5) postmillennialism. The earlier version—points 1, 3, 4, and 5—was what Rushdoony and I pioneered from 1973 on.[32]

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29. Andrew Sandlin, "Reservations on Tyler Reconstructionism," *Calvinism To-day*, II (April 1992), p. 23.

30. *Ibid.*, p. 24.

31. *Ibid.*, p. 23.

32. I exclude Bahnsen here because Bahnsen has always argued that theonomy (biblical law) is not connected theologically with postmillennialism. Rushdoony and I have argued that the two are linked theologically. Since 1986, I have argued that point

I have broken with Rushdoony on his refusal to add point two: the covenant. My explanation for his refusal to adopt it is this: he rejects it because it points directly to binding church hierarchy—the kind of authority that Calvin defended in Book IV of *The Institutes*.[33] Sandlin at the time was in Rushdoony's camp. He recognized what I am trying to do, but he misinterpreted my intent. I am not trying to sectarianize Christian Reconstruction. I am trying to show that Rushdoony's version of the position—anti-church to the core and therefore anti-covenantal—was deeply sectarian. I adhere to the traditional doctrine of the church and the sacraments; he has forthrightly rejected both. I am therefore distancing myself from Rushdoony's sectarianism. Sandlin was unwilling to acknowledge Rushdoony's sectarianism, and he responded by tarring me with that brush.

The fact is, if the church at large never adopts either of our versions of Christian Reconstruction, or some development thereof, both camps will remain sectarian. Because I am a churchman, I freely admit this. Because Rushdoony wasn't, he could not. Sandlin announced: "Reconstruction does not rest upon—and never has rested on—ecclesiastical polity."[34] This is indeed true of Rushdoony's version, which is why it is sectarian. But if by *polity* Sandlin means *participating in the Lord's Supper as a local church member under the authority of elders*, then Reconstructionism does indeed rest on ecclesiastical polity. Rushdoony stopped taking the Lord's Supper for over two decades; he refused to join a local church for the same period.[35] This is what separates my version of Christian Reconstruction from his.

2. Rhetorical Flourishes

Sandlin used very strong language to dismiss my position on the covenant, although I think "crypto-Catholicism" is choice, however off-target. We right-wing Americans of the 1950s era used to use "crypto-Communist" for similar rhetorical purposes. (The liberals never used "crypto-fascist." They just shouted "You fascist!" and let it go at that. They had no subtlety, no class.) But to say that a large portion of

four of the covenant model—sanctions—supplies this link: covenant-breakers will get weaker as God's kingdom unfolds, while covenant-keepers will become more influential. Bahnsen called himself a theonomist; he rarely if ever described himself as a Christian Reconstructionist.

33. See Appendix B.

34. *Ibid.*, p. 24.

35. Gary North, *Tithing and the Church* (Tyler, Texas: Institute for Christian Economics, 1994), ch. 10.

a Christian expositor's life's work—not to mention his enormous publishing expenses—is not exegetically grounded is a direct challenge either to his moral integrity or his intellectual capability. He is either a knave or an incompetent. While it is legitimate to make such a challenge on occasion, since the academic evangelical world today is filled almost to overflowing with theological knaves and incompetents, the accusation should always be supported by detailed, textually based evidence. I recommend David Chilton's book, *Productive Christians in an Age of Guilt-Manipulators*, as a representative model of how such a challenge should be presented. But this is what my published critics never offer. This is what annoys me. It leads me to do things that are considered unchristian in my day (though not Luther's and Calvin's day, and surely not in Cromwell's day), such as calling attention to the critics' naked backsides. It is now Sandlin's turn.

Sandlin was temporarily a theonomist of the Vallecito variety. I single him out, not because I have anything against him personally, but because he was the first writer I have come across who has been willing to take me on in print regarding my broad use of the five-point covenant model.[36] Also, here was someone who employed rhetoric—which I sincerely do appreciate—though unfortunately at the expense of both logic and evidence. In a single passage, readers are terrorized with two traditional bogeymen: dispensationalism (which uses a model) and Catholicism (which also uses a model). Let me suggest another traditional model: the five points of Calvinism. That model, surely, is a lot closer in structure to the five-point covenant model. More to the point, the five points of Calvinism are in fact an application in the area of "theology proper" of the much broader five points of covenantalism. Whatever objections Sandlin had against my broad use of the five points of covenantalism should also be applied to the five points of Calvinism.

While no Calvinist dares to say that the five points of Calvinism are superior to Scripture, all of them say these five points are superior to the five points of Arminianism, which is where they came from in the first place. The Synod of Dort (1618–19) offered them in response to Arminius' five points. The Calvinist says to the Arminian, "My five points are better than your five points." I am indeed saying to the world, "Sutton's five points of the covenant are better—more exeget-

36. My critics tend to avoid interacting with me in print. Perhaps they recognize the old, pre-Internet rule: "Don't get into a public confrontation with someone who orders ink by the barrel."

ically derived—than Calvinism's five points." The Pentateuch is not structured in terms of the five points of Calvinism. Neither is Deuteronomy. Neither is Leviticus. Neither is Exodus.

Had Sandlin challenged me to defend my assertion regarding the superiority of Sutton's five points to the five points of Calvinism—which are a subset of the covenant's five points—I would have no objection. That is what theological debate is all about. I would then engage him in a printed debate. I launched this debate when I decided to begin publishing *Covenant Renewal* months before *That You May Prosper* appeared. The ICE spent a lot of money publishing Sutton's *Covenant Renewal*. My objection to Sandlin is that he used excessive rhetoric in order to imply that I have advocated heretical nonsense, i.e., his suggestion that my recommended theological model supersedes Scripture in the same way that dispensationalism's model is assumed by its adherents to do, or Catholicism's models. If I believed such a thing about theological models, I would indeed be a Roman Catholic in my hermeneutic. In short, he was not content to challenge me regarding my detailed defense of the covenant's five points against rival classification schemes regarding structure of the biblical covenant and its applications in covenantal matters. He made it sound as though I am opposed to *Sola Scriptura*. For rhetorical purposes, the man deliberately misrepresented me.

At the most, his article was read by only a few hundred people. I respond here only because his rhetorical flourishes are representative of a broader class of contemporary would-be theological debate: verbal assault without theological interaction.

Before I reply in detail, I raise the following pair of not-quite rhetorical questions. First, are the creeds of the Christian church judicially binding as confessional models for church membership, i.e., membership in a covenantal institution? Second, are confessional statements of specific denominations judicially binding as confessional models for ordination to the ministries of the church? If Sandlin said yes to both questions, thereby placing himself within the orthodox tradition of the Christian church, his rhetorical assault on my broad use of Sutton's five-point backfires on him. He has now acknowledged that there can be *judicially binding* statements of faith—theological models, to use another word—that are under the authority of the Bible and over the church. That is to say, *these theological models are covenantally binding*. On the other hand, if he says no, he thereby places himself in the antinomian camp, with its constant claim: "No

creed but the Bible, no law but love!" The logic of his own critique escaped Sandlin. This is always the risk of adopting strong rhetoric.

I presume that he affirms that the creeds and confessions are covenantally binding as ecclesiastical statements. But this is only the beginning. A creed is a brief statement of personal faith. It begins with *credo*, "I believe." But are there examples in the Bible of theologically binding structures of belief that are more than accurate summaries of certain theological conclusions? Put differently: Does the Bible itself present structured summaries of correct belief—summaries whose very structures govern the revelation of God in the Scriptures? Put differently still: Are the very structures of certain biblical passages themselves binding as representative systems of belief? Finally, are theological constructs sometimes actual biblical constructs?

3. Models: An Inescapable Concept

Sandlin implied that some systems of doctrine are autonomous creations of error-filled men who have sought to make these theological constructs superior to Scripture. This, he said, violates the Reformation principle of *Sola Scriptura*. On this point, he was quite correct. To which I reply: "So what? What has this traditional Protestant observation got to do with me?" The only answer supported by his article's evidence is this: not a thing. But his rhetorical implication was that this criticism of theological systems has everything to do with me. What he implied, but refused to prove from my writings or my use of evidence, is that I have elevated the five-point covenant model above the Bible. He wrote: "To the Reformers Scripture itself is the ultimate authority; and when useful biblical models we develop begin to supersede the Scriptures themselves as 'the necessary classification scheme for all orthodox Christian theology'"—the quoted phrase is mine—"we come dangerously close to a crypto-Catholicism in which the word of man competes with and dominates the word of God."[37] He said "we come dangerously close"; what he means is "*North* comes dangerously close."

He accepted the use of "useful biblical models." He rejected the use of models that "supersede the Scriptures themselves." I ask two questions. First, can there be useful biblical models that are not mandated by the Scripture? I see no *judicially binding* usefulness in any theological model that is not mandated by the Scriptures. Some literary model may be interesting or curious in a Vos-like sense, but in discussing the

37. Sandlin, "Reservations," *Calvinism Today*, p. 23.

covenant, we must limit ourselves to judicially binding models. Second, are there theological models that go beyond the realm of pragmatism—mere usefulness—to become judicially binding on men's consciences? I have in mind the doctrines of the Trinity and the substitutionary atonement of Jesus Christ on Calvary. If so, then we should describe these biblical models—not merely "useful biblical models"—as being inherent in the very revelation of the Bible. To describe them in this way is not the same as saying that they "supersede the Scriptures themselves." Their authority is *equal to* the Scriptures because they are *inseparable from* the Scriptures. Or are the Jews correct in their insistence that the Trinity is a New Testament addition—a theological construct of men, one not grounded in God's authoritative self-revelation?

I am arguing that *inherent in the very structuring of God's self-revelation in the texts of Scripture there are models*. It is simply not true that every model or structure that a theologian (or anyone else) brings to the study of the Bible must always and inevitably be an autonomously derived construct that he seeks to impose on the Bible. There are constructs that were from the beginning *imposed by God on the texts of Scripture*. This is because it is impossible for men to think apart from models. We cannot know everything exhaustively—a major theme in Van Til's system. We cannot relate every fact in the universe to every other fact. We therefore require accurate models in order to integrate the limited knowledge we have. These models must "do justice"—point four of the covenant model—to the facts. But where should we obtain such theologically authoritative models? The answer ought to be obvious: in the Bible.

It is our task to think God's thought after Him as creatures. God communicates to us as creatures; His revelation is structured in terms of models that we can understand and employ in rendering theological judgments. For instance, God announced ten commandments, not eleven or nine. Accurate theological models are themselves biblically structured revelations from God. These models can be grammatical, theological, or symbolic. We cannot think apart from such structures. Our minds were created to think this way. The universe is also structured to match the structures of our minds. If this were not so, there could not be modern science. The astounding structure we call mathematics would not coincide with regularities of the external world.[38]

38. Eugene P. Wigner, "The Unreasonable Effectiveness of Mathematics in the Natural Sciences," *Communications on Pure and Applied Mathematics*, XIII (1960), pp. 1–14. Wigner won the Nobel Prize in physics.

There is a kind of conservative theological relativism that says, or at least implicitly assumes, that all theological structures are the creations of men's minds; none is imbedded in the texts or the structure of the Bible. This assumption is fatal to orthodoxy. *It assumes man's legitimate autonomy*. It says, in good Kantian fashion, that there is no inherent order in the "thing-in-itself" (in this case, the Bible), and even if there were, man could not know this order directly. Thus, all of our knowledge of the Bible is properly ordered by man's categorical structure of thought. We bring order to the Bible. We bring different orders. What we have here is symphonic theology. All tunes are equal (but some are more equal than others).

This assumption of the non-ordered nature of both the Bible and creation is wrong. Man *can* know the revelation of God *covenantally*, and God holds each man eternally responsible for the proper though subordinate understanding of it. This revelation is both general (the universe) and special (the Bible). The Bible's revelation has precedence over general revelation. We are required to structure our understanding of general revelation in terms of the structure of biblical revelation. This is the meaning of Van Til's presuppositionalism. This is why it is rejected: it places our knowledge of reality under the authority of the Bible. But if Van Til is correct, then we cannot avoid this conclusion: the Bible provides integrating structures for human thought. Put differently, it offers *blueprints*. These blueprints govern theology. This means that our theological models must be derived from the inherent structure—models—of the Bible itself. The only theological symphony we are allowed to play is the one provided by the Bible itself. We are not to bring theological models to the Bible from outside the Bible. But this means that *we must go to the Bible in search of authoritative models*. Models are an inescapable concept. It is never a question of models vs. no models. It is always a question of which models. This should be obvious to any follower of Van Til.

With respect to the five-point covenant model, I say without any reservation that this model—this structure—is far more visible in the texts of the Bible than the Trinity is. This is not to say that it is more important because it is more visible. Belief in the five-point model is not on the same level as belief in the Trinity in terms of eternal consequences. The structure of God's covenantal relationships to man is not of the same consequence as God's eternal relationship with Himself: the aseity of God. We need God; He does not need us. But I *am* saying that in God's decision to reveal Himself to fallen man by

means of written revelation, God has seen fit to reveal the structure of His covenantal relationship to man in the actual structure of numerous texts of Scripture. He has not done this with equal clarity when revealing His Trinitarian nature. I have seen attempts to find the Trinity in the structure of Scripture. I have not been impressed, and neither have most theologians through the ages.

I have not read this five-point structure into Scripture. God put into Scripture, and I am merely reading Scripture. In contrast, Sandlin has read it *out* of Scripture. It is there, but he refuses to admit this. Seeing, he will not see.

J. The Question of Exegesis

Sandlin misused his rhetorical gifts to suggest that my broad use of the five-point covenant model is illegitimate because it is not exegetically derived. He did not say that my exegesis is erroneous. That would have required direct citations from my writings and specific discussions of my errors. That would also have meant interacting with me and with the Bible. His language can be interpreted as implying that I have not attempted to derive my conclusions from the Bible. He was also very careful to avoid any mention of the (then) more than five years of specific applications of this model presented in Sutton's newsletter. He did not refer to my Preface to *The Sinai Strategy: The Economics of the Ten Commandments*, which shows that the Ten Commandments are structured into two parallel sets of the five points: one priestly, the other kingly. He did not refer to my commentaries to show that the Pentateuch is structured this way. I have been arguing this since 1987, beginning with my General Introduction in the revised edition of *The Dominion Covenant: Genesis*. He told his readers that my thesis is not exegetically derived, and then he remained silent about my lengthy exegetical defenses of my thesis.

I should be used to this sort of rhetoric by now. I should be, but I am not. I cannot seem to get used to it. I am a scholar and a Christian, and this sort of thing is considered a breach of integrity in both worlds. There is also the question of the Ninth Commandment. We are not to bear false witness. If you say that a Christian scholar has not rested his case on the Bible, when he has said repeatedly that his system *does* rest on the Bible, you have a moral obligation to present some evidence. If you do not have room to prove your case in one place, you (or someone reliable) should already have presented the case elsewhere. But Sandlin refused to do this. He authoritatively dis-

missed my work on the structure of the covenant as non-exegetical, and then went on to another topic: an attack on James Jordan. I have previously called this approach to theological debate **hit-and-run** scholarship: you drive over the targeted victim from behind and then speed away into the night.

He announced, without offering any evidence, that the five-point covenant model, if applied beyond Deuteronomy, is the theological equivalent of dispensationalism and Catholicism because it is not exegetically based. Therefore, he implied rhetorically, defenders of the covenant model implicitly assume that this model is superior to the Bible. But such an assumption is a denial of *Sola Scriptura*. Sandlin's argument rests completely on an assumption: that my broad use of the model is not exegetically based. His "proof" of this statement is his refusal to acknowledge the existence of *Covenant Renewal* and every-thing I have published on the five-point model.

My point from 1986 on—my blatantly obvious point—is *not* that Sutton's classification scheme is above Scripture. I am arguing two very different things. First, and most important, Sutton's proposed model is in fact derived from the structure that was built into the Bible by God—not above the Bible, but *in* the Bible. Deuteronomy reflects it, not because only Deuteronomy reflects it, but because Deuteronomy reflects the Pentateuch, which is structured by the five-point model. Second, and far less important, I have argued that the five-point covenant model is a whole lot better, and a whole lot more exegetical, than traditional Scholastic Calvinism's (i.e., Turretin's) loci.

If Sandlin is incapable of challenging me theologically on these two points, he should keep his rhetorical flourishes to himself. Rhetoric is not a valid substitute for theological disquisition and detailed, comprehensive exegesis. Not to put too fine a point to it: one half of a single brief essay is not a valid substitute for a major text in theology (*That You May Prosper*), six years of newsletters, and a growing shelf of Bible commentaries.

K. Sandlin vs. Biblical Theology

Having said all this, let me make one last observation about the professed concern of Sandlin regarding the supposed lack of exegetical support for my broad application of the five-point model. What I have argued, and what Sutton also argued, is that theology must be both systematic and biblical, i.e., dogmatic and exegetical. Orthodox

theology must acknowledge the historical development of God's revelation, Genesis to Revelation, as well as affirm the *doctrinal constancy* in God's progressive revelation, which undergirded and shaped this revelation. Why must both be affirmed? Because man is an historical creature. Mankind develops in wisdom and knowledge, and this will continue in eternity. God is infinite; man is not. Therefore, our knowledge of God will grow for all eternity. Because I simultaneously defend the idea of fixed, unchangeable truth in the mind of God and the idea of the finitude of man, I defend both systematic theology (fixed theological categories) and biblical theology (progressive revelation in the Bible). There is equal ultimacy here: fixed truth in the mind of God and God's progressive revelation to mankind. Once the canon of Scripture was closed, man's systematic theology could not remain absolutely fixed because man's knowledge of God cannot remain constant. Finite man cannot comprehend—encompass—an infinite God. There has been progress theologically in history precisely because the church has moved forward to maturity.

Sandlin clearly distrusts biblical theology as a separate academic discipline. He is far more enamored with Turretin's Scholastic theological system than he is with modern biblical theology, which is more closely tied to the exposition and exegesis of specific texts than post-Turretin systematic theology has ever been. He defended Turretin and attacks biblical theology: "The shift from a dogmatic and confessional theology of Turretin's sort to a purely exegetical and biblical theology, however, tends to result in heterodoxy. . . ."[39] What did he mean, "purely exegetical"? He did not say. Is there something suspicious about exegetical theology? Isn't his formal criticism of my use of the five points the fact that my theology is not exegetical? Could it be that his real objection to my use of the five-point Pentateuchal-covenantal model has more to do with my rejection of Turretin's system as a judicially binding model than with my supposed lack of exegetical evidence?

Surely exegetical and biblical theology did not shift to heterodoxy in the hands of Geerhardus Vos. Furthermore, historically speaking, the Princetonians' defense of their only slightly modified Turretinian theology collapsed under the weight of Kant, Darwin, and modernism early in the twentieth century, if not before. Van Til was correct: the Princetonians' attempt to tie Calvinism to rationalism—in Princ-

39. Andrew Sandlin, "Review of *Institutes of Elenctic Theology*, by Francis Turretin," *Christianity and Society*, IV (April 1994), p. 30. This is the re-named *Calvinism Today*.

eton's case, Scottish common sense rationalism—was doomed to failure, as are all attempts to unite Jerusalem and Athens. The categories (loci) of Turretin's covenant theology were established in response the categories of Roman Catholic Scholasticism, not in terms of the Bible's actual covenant structure. They could not survive the collapse of Catholic Scholasticism. In fact, they collapsed first.[40] By "collapsed," I do not mean that they became incorrect. I mean that they became irrelevant to the culture around them, including the American Presbyterian Church itself. This is the fate of every theological construct grounded in man's logical categories rather than in explicitly biblical categories.

What Sutton and I have argued is that biblical theology should be governed by biblically revealed theological categories. Only the Bible is simultaneously unchanging and relevant to history. Therefore, only the Bible's categories are reliable as fixed theological standards to govern the exegetical insights derived from biblical theology. *Biblical theology should always be structured by biblical categories*. The five-point covenant model is by far the most comprehensive biblical structure, for it is simultaneously creational, judicial, and eschatological. It, not Protestant Scholasticism's seven loci, should govern the presentation of the Trinity, the atonement, and other explicitly revelational concepts. In the task of providing a judicial framework to biblical theology, the five points of the covenant have far greater Scriptural authority than Scholastic Calvinism's seven loci. The five points are actually found in the texts of Scripture. The Scholastic loci are found only in the minds of theologians. This does not make the loci incorrect, but it does make them less reliable, long term, than the covenant's five points, in developing a covenant theology. The seven loci are mental constructs that are derived from passages in Scripture, but they are never found as a unit in Scripture. The seven loci are the imposition of a logically contrived structure over the texts of Scripture, not a structure present in the texts themselves.

What I perceived in 1994, after I had read Sandlin's 1994 defense of Turretin, is that his 1992 public criticism regarding my supposed lack of exegesis may have been more rhetorically motivated than I had suspected. I am calling for the adoption of a Bible-revealed structure to govern biblical theology. Sandlin did not really want biblical theology at all. He did not trust it. He wanted good, old fashioned, ratio-

40. I would date the beginning of the collapse of Rome's Scholasticism with Pope John XXIII (1958–1963); the demolition was completed by his successor, Paul VI.

nalistic, seventeenth-century Calvinism. To which I respond: "We've been down that road already. It leads to a dead end."

Without both biblical theology and systematic theology, we will not recover lost ground. Both must be developed in terms of the Bible. Biblical theology must always be governed by the terms of systematic theology in order to keep biblical theologians from flying into the "wild blue yonder" through unrestrained interpretive maximalism. But the governing categories of systematic theology should not be the categories of seventeenth-century Protestant Scholasticism. The categories of systematic theology must be explicitly biblical, including the actual structure of the texts. There is circularity here, but of a biblical kind.[41]

L. Sandlin Departs

In any case, the Sandlin of 1992 is no more. A year after he went off the payroll of Chalcedon, in December, 2002, he publicly cast off the restrictive shackles of the Christian Reconstruction movement (CRM). He wrote a farewell piece for the Razormouth site: "Saying goodbye to Christian Reconstructionism." He wrote: "So, I say farewell to the CRM, and my spirit is not 'Good riddance,' but rather, 'Thanks for the memories.'"[42] But this was not enough to satisfy him. One year later, on December 16, 2003, he posted an essay on Razormouth. He criticized John MacArthur's statement that the central doctrine of the gospel is salvation by faith alone. No, no, no, said Sandlin. "The main issue of the New Testament is not justification by faith alone (vital though it is) but rather, as Oscar Cullmann demonstrates, the Lordship of the risen, ruling Savior, Jesus of Nazareth. MacArthur's view, under the sincere attempt to preserve a gracious soteriology, truncates the Biblical picture of the work of Christ."[43] Oscar Cullmann? **Oscar Cullmann?** ***Oscar Cullmann?????*** Oscar Cullmann was the German Lutheran theologian who spent his career in the ecumenical movement. The World Council of Churches issued this obituary in 1999:

41. On biblical circular reasoning, see Cornelius Van Til, *A Survey of Christian Epistemology*, volume II of In Defense of Biblical Christianity (Den Dulk Foundation, 1969), p. 12.

42. P. Andrew Sandlin, "Saying Goodbye to Christian Reconstructionism," Razormouth (Dec. 10, 2002). The site is now a how to make money site. The original article is now posted here: http://www.garynorth.com/SandlinFarewell.pdf.

43. Sandlin, "The Biblical Perspective on Paul." This appeared on Sandlin's site: The document is gone as of 2011.

> Everything marked Cullmann out for ecumenical commitment; he came from Strasbourg, the city of the Reformation figure Martin Bucer, he was bilingual and he was passionate about the "essence" of the Christian faith. He became involved in interconfessional talks as early as the 1920s. Without repudiating his Lutheran background, he taught for many years at the Reformed Faculty in Basle. After the Second World War his teaching activities extended to Paris and Rome. The time spent at the Waldensian Faculty in Rome gave him the opportunity to make many Roman Catholic contacts. His uncomplicated, salvation history-oriented theology was also well-received in Rome. His book "Peter—Disciple, Apostle, Martyr" (1952) paved the way for an objective discussion on a sensitive subject in relations between the confessions. At a time when contacts at the highest level were unusual, he was received by the Popes Pius XII, John XXIII, and above all, Paul VI. Karl Barth used to say teasingly, "Oscar, on your gravestone it will say ''Here lies the adviser to three Popes''". Tease he might, but years later, when times had changed, Barth himself made a high-profile visit to Rome. Cullmann was personally invited as an observer to the Second Vatican Council and his voice was heeded by many. His conversations with Paul VI gave rise to the plan for an ecumenical institute in Jerusalem.[44]

He was the twentieth-century neo-orthodox theologian (1902–1999) of whom Cornelius Van Til warned in 1970:

> If evangelical Christians take a second look at Cullmann, they will see that he works in the line of Bultmann and of Barth rather than in the line of Luther and Calvin. Cullmann has in common with both Bultmann and Barth, the assumption of human autonomy as it has found its modern expression in Kant. This assumption of human autonomy results in an absolute dualism between the world of science as the world of abstract impersonal law, and the world of faith as the world of wholly unknown and wholly non-rational forces. This second world is called the world of the noumenal by Kant and the world of person-to-person confrontation by his theological followers. By the powers of sheer postulation and assertion the second world is then placed above the first. *The meeting point of the two worlds is called the Christ*. Somehow this Christ is supposed to be more intelligible than the Christ of Chalcedon![45] . . .
>
> A recently written article on *The Relevance of Redemptive History* gives some evangelical Christians occasion to remark that Cullmann is now, more obviously than before, on the side of the Evangelicals in the Great Debate Today. However, the framework of Cullmann's thinking remains the same throughout his writings. It is because of his essentially post-Kantian

44. World Council of Churches, Office of Communications, Press Release (21 January 1999), "Oscar Cullman (1902–1999)."

45. Cornelius Van Til, *The Great Debate Today* (Nutley, New Jersey: Presbyterian and Reformed, 1970), pp. 39–40.

> framework of thought that Cullmann finds it possible to be as "ecumenical" as he is. His sympathy with Roman Catholic thinking springs from the fact that in it, as well as in his own post-Kantian views, the ideas of human autonomy, of abstract logic, and of brute contingent factuality, have a controlling place.[46]

To add insult to injury, in Sandlin's December 22 posting, "Bibliophile's Year-End Top Ten Favorite Books Read in 2003," we find this at the top of the (alphabetical) list: "Barth, Karl. *Evangelical Theology: An Introduction*." I ask: What in the name of orthodoxy has anything written by Karl Barth contributed to Sandlin's thinking? Has he not read and understood Van Til's *The New Modernism* (1947) or *Christianity and Barthianism* (1962)? This book recommendation came from a man who had written one year earlier, "I've been identified by some on the left and even some on the right as R. J. Rushdoony's intellectual (if not institutional) heir, but I neither deserve nor desire that mantle."[47] Not quite: the left-right sources that he linked to did not mention his intellectual heirship. They noted—inaccurately—that he was the head of Chalcedon. He was not. Still, just like Julius Caesar in Shakespeare's play, he refused the crown, even though (unlike Caesar) only he offered it. Given where he has headed since then, I think this was wise.

Conclusion

The Book of Deuteronomy is structured in terms of a five-point model. Meridith Kline's *Treaty of the Great King* (1963) makes this clear. But this same five-point biblical structure is visible in far more passages in the Book of Leviticus than in Deuteronomy. Not only is Leviticus structured in terms of the covenant model, the five-point structure appears again and again in its subsections.[48] So, those critics who say "Deuteronomy only!" have another large problem to add to their Exodus problem: the Leviticus problem. This will not faze them, of course. They will still carry on about the non-existence of this five-point pattern except in Deuteronomy. But anyone who has read this commentary, plus *Authority and Dominion*, will expect more proof than the repeated assurances of critics who steadfastly refuse to comment on anything that Sutton and I have written since 1987, or

46. *Ibid.*, pp. 41–42.

47. Sandlin, "Saying goodbye to Christian Reconstructionism."

48. James Jordan, *Covenant Sequence in Leviticus* (Tyler, Texas: Institute for Christian Economics, 1989).

on what Gary DeMar[49] and George Grant[50] wrote in the Biblical Blueprints series, or on what Ken Gentry wrote in 1990 in *The Greatness of the Great Commission*, which is structured by the five-point model.

Rhetoric is not a legitimate substitute for textual analysis, and the "Deuteronomy only!" critics have offered nothing so far except rhetoric. They do not respond to the evidence. Their pit is filling up. I conclude that it is now up to the "it's too good to be true, because we seem to find it everywhere" critics to defend the camp of traditional covenant theology against a covenant theology with a textually derived structure. If there is one thing that traditional covenant theologians cannot tolerate it is a textually derived theological structure.

I have said it before, and I shall say it again: the vocal critics of Christian Reconstruction have a moral obligation to produce detailed Bible commentaries that show why mine are incorrect. These commentaries must also demonstrate what is correct, both theologically and in terms of applying the Bible to the modern world. The critics no doubt prefer to confine their efforts to a an occasional negative book review in some small-circulation magazine, but such protests are not substitutes for the hard and expensive work of producing commentaries and comprehensive treatises built on commentaries. A three-page negative review is little more than a wail: "I just don't like this, and neither should anybody else!" Wailing against God's law in the face of an encroaching humanist civilization is an exercise in futility. Without an explicitly biblical alternative to God's law, such wailing constitutes a surrender to humanism.

What I say here about the critics of Christian Reconstruction applies equally well to those Reconstructionists who deny the five-point covenant model. The four points of Christian Reconstruction are not found in any passage in Scripture. The five points are. Repeatedly.

49. Gary DeMar, *Ruler of the Nations* (Ft. Worth: Texas: Dominion Press, 1987), which is structured by the five-point model.

50. George Grant, *The Changing of the Guard* (Ft. Worth, Texas: Dominion Press, 1987), which is structured by the five-point model.